

ALL THE YEAR ROUND.

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THE WOMAN IN WHITE.

PART THE SECOND. HARTWRIGHT'S NARRATIVE
CONTINUED.

VIII.

BEFORE I had reached the turning which led out of the square, my attention was aroused by the sound of a closing door, in the row of houses behind me. I looked round, and saw an undersized man in black, on the door-step of the house, which, as well as I could judge, stood next to Mrs. Catherick's place of abode, on the side nearest to me. The man advanced rapidly towards the turning at which I had stopped. I recognised him as the lawyer's clerk who had preceded me in my visit to Blackwater Park, and who had tried to pick a quarrel with me, when I asked him if I could see the house.

I waited where I was, to ascertain whether his object was to come to close quarters and speak, on this occasion. To my surprise, he passed on rapidly, without saying a word, without even looking up in my face as he went by. This was such a complete inversion of the course of proceeding which I had every reason to expect on his part, that my curiosity, or rather my suspicion, was aroused, and I determined, on my side, to keep him cautiously in view, and to discover what the business might be on which he was now employed. Without caring whether he saw me or not, I walked after him. He never looked back; and led me straight through the streets to the railway station.

The train was on the point of starting, and two or three passengers who were late were clustering round the small opening through which the tickets were issued. I joined them, and distinctly heard the lawyer's clerk demand a ticket for the Blackwater station. I satisfied myself that he had actually left by the train, before I came away.

There was only one interpretation that I could place on what I had just seen and heard. I had unquestionably observed the man leaving a house which closely adjoined Mrs. Catherick's residence. He had been probably placed there, by Sir Percival's directions, as a lodger, in anticipation of my inquiries leading me, sooner or later, to communicate with Mrs. Catherick. He had doubtless seen me go in and come out; and he had hurried away by the first train to make his report at Blackwater

Park—to which place Sir Percival would naturally betake himself (knowing what he evidently knew of my movements), in order to be ready on the spot, if I returned to Hampshire. I saw this clearly; and I felt for the first time that the apprehensions which Marian had expressed to me at parting, might be realised. Before many days, there seemed every likelihood, now, that Sir Percival and I might meet.

Whatever result events might be destined to produce, I resolved to pursue my own course, straight to the end in view, without stopping or turning aside, for Sir Percival, or for any one. The great responsibility which weighed on me heavily in London—the responsibility of so guiding my slightest actions as to prevent them from leading accidentally to the discovery of Laura's place of refuge—was removed, now that I was in Hampshire. I could go and come as I pleased, at Welmingham; and if I failed in observing any necessary precautions, the immediate results would, at least, affect only myself.

When I left the station, the winter evening was beginning to close in. There was little hope of continuing my inquiries after dark to any useful purpose, in a neighbourhood that was strange to me. Accordingly, I made my way to the nearest hotel, and ordered my dinner and my bed. This done, I wrote to Marian, to tell her that I was safe and well, and that I had fair prospects of success. I had directed her, on leaving home, to address her first letter (the letter I expected to receive the next morning) to "The Post-office, Welmingham;" and I now begged her to send her second day's letter to the same address. I could easily receive it, by writing to the postmaster, if I happened to be away from the town when it arrived.

The coffee-room of the hotel, as it grew late in the evening, became a perfect solitude. I was left to reflect on what I had accomplished that afternoon, as uninterruptedly as if the house had been my own. Before I retired to rest, I had thought over my extraordinary interview with Mrs. Catherick, from beginning to end; and had verified the conclusions which I had hastily drawn in the earlier part of the day.

The vestry of Old Welmingham church was the starting-point from which my mind slowly worked its way back through all that I had heard Mrs. Catherick say, and through all that I had seen Mrs. Catherick do. At the time when the neighbourhood of the vestry was first re-

ferred to in my presence by Mrs. Clements, I had thought it the strangest and most unaccountable of all places for Sir Percival to select for a clandestine meeting with the clerk's wife. Influenced by this impression, and by no other, I had mentioned "the vestry of the church," before Mrs. Catherick, on pure speculation—it represented one of the minor peculiarities of the story, which occurred to me while I was speaking. I was prepared for her answering me confusedly, or angrily; but the blank terror that seized her, when I said the words, took me completely by surprise. I had, long before, associated Sir Percival's Secret with the concealment of a crime, which Mrs. Catherick knew of—but I had gone no further than this. Now, the woman's terror associated the crime, either directly or indirectly, with the vestry, and convinced me that she had been more than the mere witness of it—she was also the accomplice.

What had been the nature of the crime? Surely there was a contemptible side to it, as well as a dangerous side—or Mrs. Catherick would not have repeated my own words, referring to Sir Percival's rank and power, with such marked disdain as she had certainly displayed. It was a contemptible crime, then, and a dangerous crime; and she had shared in it, and it was associated with the vestry of the church.

The next consideration to be disposed of led me a step farther from this point.

Mrs. Catherick's undisguised contempt for Sir Percival plainly extended to his mother as well. She had referred, with the bitterest sarcasm, to the great family he had descended from—"especially by the mother's side." What did this mean? There appeared to be only two explanations of it. Either his mother's birth had been low? or his mother's reputation was damaged by some hidden flaw with which Mrs. Catherick and Sir Percival were both privately acquainted? I could only put the first explanation to the test by looking at the register of her marriage, and so ascertaining her maiden name and her parentage, as a preliminary to further inquiries. On the other hand, if the second case supposed were the true one, what had been the flaw in her reputation? Remembering the account which Marian had given me of Sir Percival's father and mother, and of the suspiciously unsocial secluded life they had both led, I now asked myself, whether it might not be possible that his mother had never been married at all. Here again, the register might, by offering written evidence of the marriage, prove to me, at any rate, that this doubt had no foundation in truth. But where was the register to be found? At this point, I took up the conclusions which I had previously formed; and the same mental process which had discovered the locality of the concealed crime, now lodged the register, also, in the vestry of Old Welmingham church.

These were the results of my interview with Mrs. Catherick—these were the various considerations, all steadily converging to one point, which decided my course on the next day.

The morning was cloudy and lowering, but no rain fell. I left my bag at the hotel; and, after inquiring the way, set forth on foot for Old Welmingham church.

It was a walk of rather more than two miles, the ground rising slowly all the way. On the highest point stood the church—an ancient, weather-beaten building, with heavy buttresses at its sides, and a clumsy square tower in front. The vestry, at the back, was built out from the church, and seemed to be of the same age. Round the building, at intervals, appeared the remains of the village which Mrs. Clements had described to me as her husband's place of abode in former years, and which the principal inhabitants had long since deserted for the new town. Some of the empty houses had been dismantled to their outer walls; some had been left to decay with time; and some were still inhabited by persons evidently of the poorest class. It was a dreary scene—and yet, in the worst aspect of its ruin, not so dreary as the modern town that I had just left. Here, there was the brown, breezy sweep of surrounding fields for the eye to repose on; here the trees, leafless as they were, still varied the monotony of the prospect, and helped the mind to look forward to summer time and shade.

As I moved away from the back of the church, and passed some of the dismantled cottages in search of a person who might direct me to the clerk, I saw two men saunter out after me, from behind a wall. The tallest of the two—a stout muscular man, in the dress of a gamekeeper—was a stranger to me. The other was one of the men who had followed me in London, on the day when I left Mr. Kyrle's office. I had taken particular notice of him, at the time; and I felt sure that I was not mistaken in identifying the fellow on this occasion. Neither he nor his companion attempted to speak to me, and both kept themselves at a respectful distance—but the motive of their presence in the neighbourhood of the church was plainly apparent. It was exactly as I had supposed—Sir Percival was already prepared for me. My visit to Mrs. Catherick had been reported to him the evening before; and those two men at my heels had been placed on the look-out for me, near the church at Old Welmingham. If I had wanted any further proof that my investigations had taken the right direction at last, the plan now adopted for watching me would have supplied it.

I walked on, away from the church, till I reached one of the inhabited houses, with a patch of kitchen garden attached to it, on which a labourer was at work. He directed me to the clerk's abode—a cottage, at some little distance off, standing by itself on the outskirts of the forsaken village. The clerk was in-doors, and was just putting on his great-coat. He was a cheerful, familiar, loudly-talkative old man, with a very poor opinion (as I soon discovered) of the place in which he lived, and a happy sense of superiority to his neighbours in virtue of the great distinction of having once been in London.

"It's well you came so early, sir," said the

old man, when I had mentioned the object of my visit. "I should have been away in ten minutes more. Parish business, sir—and a goodish long trot before it's all done, for a man at my age. But, bless you, I'm strong on my legs still! As long as a man's legs don't give, there's a deal of work left in him. Don't you think so, sir?"

He took his keys down, while he was talking, from a hook behind the fireplace, and locked his cottage door behind us.

"Nobody at home to keep house for me," said the clerk, with a cheerful sense of perfect freedom from all family encumbrances. "My wife's in the churchyard, there; and my children are all married. A wretched place this, isn't it, sir? But the parish is a large one—every man couldn't get through the business as I do. It's learning does it; and I've had my share, and a little more. I can talk the Queen's English (God bless the Queen!)—and that's more than most of the people about here can do. You're from London, I suppose, sir? I've been in London, a matter of five-and-twenty years ago."

Chattering on in this way, he led me back to the vestry. I looked about, to see if the two spies were still in sight. They were not visible anywhere. After having discovered my application to the clerk, they had probably concealed themselves where they could watch my next proceedings in perfect freedom. The vestry door was of stout old oak, studded with strong nails; and the clerk put his large, heavy key into the lock, with the air of a man who knew that he had a difficulty to encounter, and who was not quite certain of creditably conquering it.

"I'm obliged to bring you this way, sir," he said, "because the door from the vestry to the church is bolted on the vestry side. We might have got in through the church, otherwise. This is a perverse lock, if ever there was one yet. It's big enough for a prison-door; it's been hampered over and over again; and it ought to be changed for a new one. I've mentioned that to the churchwarden, fifty times over at least: he's always saying 'I'll see about it'—and he never does see. Ah, it's a lost corner, this place. Not like London—is it, sir? Bless you, we are all asleep here! *We don't march with the times.*"

After twisting and turning the key, the heavy lock yielded; and he opened the door.

The vestry was larger than I should have supposed it to be, judging from the outside only. It was a dim, mouldy, melancholy old room, with a low, rafted ceiling. Round two sides of it, the sides nearest to the interior of the church, ran heavy wooden presses, wormeaten and gaping with age. Hooked to the inner corner of one of these presses hung several surplices, all bulging out at their lower ends in an irreverent-looking bundle of limp drapery, and wanting nothing but legs under them to suggest the idea of a cluster of neglected curates who had committed suicide, by companionably hanging themselves all together. Below the surplices, on the floor, stood three packing-cases, with the lids half off, half on, and the straw profusely bursting out of their cracks and crevices in every direction. Behind

them, in a corner, was a litter of dusty papers; some large and rolled up, like architects' plans; some loosely strung together on files, like bills or letters. The room had once been lighted by a small side window; but this had been bricked up, and a lantern skylight was now substituted for it. The atmosphere was heavy and mouldy; being rendered oppressive by the closing of the door which led into the church. This door also was composed of solid oak, and was bolted, at top and bottom, on the vestry side.

"We might be tidier, mightn't we, sir?" said the cheerful clerk. "But when you're in a lost corner of a place like this, what are you to do? Why, look here, now—just look at these packing-cases. There they've been, for a year or more, ready to go to London—there they are, littering the place—and there they'll stop as long as the nails hold them together. I'll tell you what, sir, as I said before, this is not London. We are all asleep here. Bless you, *we don't march with the times!*"

"What is there in the packing-cases?" I asked.

"Bits of old wood carvings from the pulpit, and panels from the chancel, and images from the organ-loft," said the clerk. "Portraits of the twelve apostles in wood—and not a whole nose among 'em. All broken, and wormeaten: crumbling to dust at the edges—as brittle as crockery, and as old as the church, if not older."

"And why were they going to London? To be repaired?"

"That's it, sir. To be repaired; and where they were past repair, to be copied in sound wood. But, bless you, the money fell short—and there they are, waiting for new subscriptions, and nobody to subscribe. It was all done a year ago, sir. Six gentlemen dined together about it, at the hotel in the new town. They made speeches, and passed resolutions, and put their names down, and printed off thousands of prospectuses. Beautiful prospectuses, sir, all flourished over with Gothic devices in red ink, saying it was a disgrace not to restore the church and repair the famous carvings, and so on. There are the prospectuses that couldn't be distributed, and the architect's plans and estimates, and the whole correspondence which set everybody at loggerheads and ended in a dispute, all down together in that corner, behind the packing-cases. The money dribbled in a little at first—but what *can* you expect out of London? There was just enough, you know, to pack the broken carvings, and get the estimates, and pay the printer's bill—and after that, there wasn't a halfpenny left. We have nowhere else to put them—nobody in the new town cares about accommodating *us*—we're in a lost corner—and this is an untidy vestry—and who's to help it?—that's what I want to know."

My anxiety to examine the register did not dispose me to offer much encouragement to the old man's talkativeness. I agreed with him that nobody could help the untidiness of the vestry—and then suggested that we should proceed to our business without more delay.

"Ay, ay, the marriage register," said the clerk, taking a little bunch of keys from his pocket. "How far do you want to look back, sir?"

Marian had informed me of Sir Percival's age, at the time when we had spoken together of his marriage engagement with Laura. She had then described him as being forty-five years old. Calculating back from this, and making due allowance for the year that had passed since I had gained my information, I found that he must have been born in eighteen hundred and four.

"I want to begin with the year eighteen hundred and four," I said.

"Which way after that, sir?" asked the clerk. "Forwards to our time, or backwards?"

"Backwards from eighteen hundred and four."

He opened the door of one of the presses—the press from the side of which the surplices were hanging—and produced a large volume bound in greasy brown leather. I was struck by the insecurity of the place in which the register was kept. The door of the press was warped and cracked with age; and the lock was of the smallest and commonest kind. I could have forced it easily with my walking-stick.

"Is that considered a sufficiently secure place for the register?" I inquired. "Surely, a book of such importance ought to be protected by a better lock, and kept carefully in an iron safe?"

"Well, now, that's curious!" said the clerk, shutting up the book again, just after he had opened it, and smacking his hand cheerfully on the cover. "Those were the very words my old master was always saying, years and years ago, when I was a lad. 'Why isn't the register' (meaning this register here, under my hand)—'why isn't it kept in an iron safe?' If I've heard him say that once, I've heard him say it a hundred times. He was the solicitor, in those days, sir, who had the appointment of vestry clerk to this church. A fine hearty old gentleman—and the most particular man breathing. As long as he lived, he kept a copy of this book, in his office at Knowlesbury, and had it posted up regular, from time to time, to correspond with the fresh entries here. You would hardly think it, but he had his own appointed days, once or twice, in every quarter, for riding over to this church on his old white pony to check the copy, by the register, with his own eyes and hands. 'How do I know' (he used to say)—'how do I know that the register in this vestry may not be stolen or destroyed? Why isn't it kept in an iron safe? Why can't I make other people as careful as I am myself? Some of these days there will be an accident happen—and when the register's lost, then the parish will find out the value of my copy.' He used to take his pinch of snuff after that, and look about him as bold as a lord. Ah! the like of him for doing business isn't easy to find now. You may go to London, and not match him, even *there*. Which year did you say? Eighteen hundred and what?"

"Eighteen hundred and four," I replied; mentally resolving to give the old man no more opportunities of talking.

The clerk put on his spectacles, and turned

over the leaves of the register, carefully wetting his finger and thumb, at every third page. "There it is, sir," he said, with another cheerful smack on the open volume. "There's the year you want."

As I was ignorant of the month in which Sir Percival was born, I began my backward search with the early part of the year. The register-book was of the old fashioned kind; the entries being all made on blank pages, in manuscript, and the divisions which separated them being indicated by ink lines drawn across the page, at the close of each entry.

I reached the beginning of the year eighteen hundred and four, without encountering the marriage; and then travelled back through December, eighteen hundred and three; through November, and October; through—No! not through September also. Under the heading of that month in the year I found the marriage!

I looked carefully at the entry. It was at the bottom of a page, and was, for want of room, compressed into a smaller space than that occupied by the marriages above. The marriage immediately before it was impressed on my attention by the circumstance of the bridegroom's Christian name being the same as my own. The entry immediately following it (on the top of the next page) was noticeable, in another way, from the large space it occupied; the record, in this case, registering the marriages of two brothers at the same time. The register of the marriage of Sir Felix Glyde was in no respect remarkable, except for the narrowness of the space into which it was compressed at the bottom of the page. The information about his wife, was the usual information given in such cases. She was described, as "Cecilia Jane Elster, of Park-View Cottages, Knowlesbury; only daughter of the late Patrick Elster, Esq., formerly of Bath."

I noted down these particulars in my pocket-book, feeling, as I did so, both doubtful and disheartened about my next proceedings. The Secret, which I had believed, until this moment, to be within my grasp, seemed now farther from my reach than ever. What suggestions of any mystery unexplained had arisen out of my visit to the vestry? I saw no suggestions anywhere. What progress had I made towards discovering the suspected stain on the reputation of Sir Percival's mother? The one fact I had ascertained, vindicated her reputation. Fresh doubts, fresh difficulties, fresh delays, began to open before me in interminable prospect. What was I to do next? The one immediate resource left to me, appeared to be this: I might institute inquiries about "Miss Elster, of Knowlesbury," on the chance of advancing towards my main object, by first discovering the secret of Mrs. Catherick's contempt for Sir Percival's mother.

"Have you found what you wanted, sir?" said the clerk, as I closed the register-book.

"Yes," I replied; "but I have some inquiries still to make. I suppose the clergyman who officiated here in the year eighteen hundred and three is no longer alive?"

"No, no, sir; he was dead three or four years before I came here—and that was as long ago as the year twenty-seven. I got this place, sir," persisted my talkative old friend, "through the clerk before me leaving it. They say he was driven out of house and home by his wife—and she's living still, down in the new town there. I don't know the rights of the story, myself; all I know is, I got the place. Mr. Wansborough got it for me—the son of my old master that I was telling you of. He's a free, pleasant gentleman as ever lived; rides to the hounds, keeps his pointers, and all that. He's vestry-clerk here now, as his father was before him."

"Did you not tell me your former master lived at Knowlesbury?" I asked, calling to mind the long story about the precise gentleman of the old school, with which my talkative friend had wearied me before he opened the register.

"Yes, to be sure, sir," replied the clerk. "Old Mr. Wansborough lived at Knowlesbury; and young Mr. Wansborough lives there too." "You said just now he was vestry-clerk, like his father before him. I am not quite sure that I know what a vestry-clerk is."

"Don't you indeed, sir?—and you come from London, too! Every parish church, you know, has a vestry-clerk and a parish-clerk. The parish-clerk is a man like me (except that I've got a deal more learning than most of them—though I don't boast of it). The vestry-clerk is a sort of an appointment that the lawyers get; and if there's any business to be done for the vestry, why there they are to do it. It's just the same in London. Every parish church there has got its vestry-clerk—and, you may take my word for it, he's sure to be a lawyer."

"Then, young Mr. Wansborough is a lawyer?"

"Of course he is, sir! A lawyer in High-street, Knowlesbury—the old offices that his father had before him. The number of times I've swept those offices out, and seen the old gentleman come trotting in on his white pony, looking right and left all down the street, and nodding to everybody! Bless you, he was a popular character!—he'd have done in London!"

"How far is it to Knowlesbury from here?"

"A long stretch, sir," said the clerk, with that exaggerated idea of distances and that vivid perception of difficulties in getting from place to place, peculiar to country people. "Nigh on five mile, I can tell you!"

It was still early in the forenoon. There was plenty of time for a walk to Knowlesbury and back again to Welmingham; and there was no person probably in the town who was fitter to assist my inquiries about the character and position of Sir Percival's mother, before her marriage, than the local solicitor. I resolved to go at once to Knowlesbury on foot.

"Thank you kindly, sir," said the clerk, as I slipped my little present into his hand. "Are you really going to walk all the way to Knowlesbury and back? Well! you're strong on your legs, too—and what a blessing that is, isn't it? There's the road; you can't miss it. I wish I was going your way—it's pleasant to meet with

gentlemen from London, in a lost corner like this. One hears the news. Wish you good morning, sir—and thank you kindly, once more."

As I left the church behind me, I looked back—and there were the two men again, on the road below, with a third in their company:—the short man in black, whom I had traced to the railway the evening before.

The three stood talking together for a little while—then separated. The man in black went away by himself towards Welmingham; the other two remained together, evidently waiting to follow me, as soon as I walked on.

I proceeded on my way, without letting the fellows see that I took any special notice of them. They caused me no conscious irritation of feeling at that moment—on the contrary, they rather revived my sinking hopes. In the surprise of discovering the evidence of the marriage, I had forgotten the inference I had drawn, on first perceiving the men in the neighbourhood of the vestry. Their reappearance reminded me that Sir Percival had anticipated my visit to Old Welmingham church, as the next result of my interview with Mrs. Catherick—otherwise, he would never have placed his spies there to wait for me. Smoothly and fairly as appearances looked in the vestry, there was something wrong beneath them—there was something in the register-book, for aught I knew, that I had not discovered yet.

"I shall come back," I thought to myself, as I turned for a farewell look at the tower of the old church. "I shall trouble the cheerful clerk a second time to conquer the perverse lock, and to open the vestry door."

NATURAL SELECTION.

It is well for Mr. Charles Darwin, and a comfort to his friends, that he is living now, instead of having lived in the sixteenth century; it is even well that he is a British subject, and not a native of Austria, Naples, or Rome. Men have been kept for long years in durance, and even put to the rack and the stake, for the commission of offences minor to the publication of ideas less in opposition to the notions held by the powers that be.

But we have come upon more tolerant times. If a man can calmly support his heresy by reasons, the heresy will be listened to; and, in the end, will be either received or refuted, or simply neglected and forgotten. Mr. Darwin also enjoys the benefit of the bygone heresies of previous heretics; one heresy prepares the way for, and weakens the shock occasioned by, another. Astronomical and geological innovations render possible the acceptance of doctrines that would have made people's hair stand on end three centuries ago. This is an enormous progress; for what are three or four centuries in the history of the human race? What, in the history of the world? Truth is a bugbear which is fast losing its terrors: we are getting more and more accustomed to it, and are less and less afraid to

look it in the face. But then comes the old question, "What is Truth?" Mr. Darwin believes he knows, or is on the way to know.

Charles Darwin comes of a family renowned for close observation, intellectual ability, and boldness of speculation; he is gifted with clear and passionless judgment, and with an amiable and gentlemanly disposition; it is doubtful whether he have an enemy in the world; it is certain that he has, and deserves to have, many friends. He is blessed with a sufficiency of worldly riches, and has not strong health—the very combination to make a student. He is sincerity itself, thoroughly believing all he states, and daring to state what he believes. No mental reservation is employed to dissemble the tendency of his scientific views. He has circumnavigated the globe, and beheld the manners of many men, savage and civilised; of many birds, beasts, reptiles, and fishes. He has compared living forms with those which existed on the same spot of land ages and ages ago. In his Voyage with the *Beagle* he has delighted his readers with the simplicity and the clearness with which he has explained geological changes. For more than twenty years he has been patiently accumulating and reflecting on all sorts of facts which could possibly have any bearing on the origin of living things as we now behold them existing; regardless of expense and labour, he has long searched for the truth respecting this question. He believes he has found it, and he enunciates his creed in a book which is an abstract of a larger work that will take two or three more years to complete.

But, as the tolerant spirit of the age allows him to state and to hold his belief unmolested, it also allows dissenters from his novel doctrines to declare their unbelief of them, and to manifest the hardness of their hearts by utter deafness to Mr. Darwin's most persuasive attempts at conversion. The world in general is quite unprepared to hear his unaccustomed views propounded. The propositions are so unfamiliar, that, be they false or be they true, they are almost sure to meet with a flat denial. The dominant and fundamental idea may be grand, clear, and decided. As a theory, it is complete and harmonious in all its parts, regarded merely as a theory; but, as a history of the past, and as a statement of present and future facts, its authority must entirely rest on the reader's judgment whether the proofs and the reasoning are conclusive to his mind or not. It is a question of the interpretation to be given to certain appearances and occurrences; it is a matter of circumstantial evidence. Mr. Darwin is already supported by a small party of disciples and fellow-labourers, who put faith in his inspiration; while the great majority shrink back in alarm at the boldness of his conclusions, and at the illimitable lapse of time which it unfolds before their wondering and bewildered gaze. He will hardly be surprised himself—nor will the reader—to find that the mass of his audience have ears but hear not, and eyes but see not—as he sees and understands the works of nature. Be-

fore accepting such a theory, we, the multitude, must think twice. Well, let us think twice; thinking twice never does harm.

The creed to which it is proposed to convert the world is as follows: Although much remains obscure, and will long remain obscure, Mr. Darwin entertains no doubt that the view which most naturalists entertain, and which he formerly entertained himself—namely, that each species has been independently created—is erroneous. He is fully convinced that species are not immutable;* but that those belonging to what are called the same genera are lineal descendants of some other and generally extinct species.

The modifications which species have undergone are mainly, but not exclusively, he believes, the result of a process called Natural Selection. He cannot doubt that the theory of descent, with modification, embraces all the members of the same class. He believes that animals have descended from at most only four or five progenitors, and plants from an equal or lesser number. Analogy would lead him one step further; namely, to the belief that, in the beginning, there arose some single, primitive, rudimentary, organised cell, or elementary being, which was the first parent of every living creature—that all animals and plants have descended from some one prototype. But analogy, he owns, may be a deceitful guide. Nevertheless, all living things have much in common in their chemical composition, their germinal vesicles, their cellular structure, and their laws of growth and reproduction. We see this even in so trifling a circumstance as that the same poison often similarly affects plants and animals; or that the poison secreted by the gall-fly produces monstrous growths on the wild rose or oak-tree. Therefore, Mr. Darwin would infer from analogy that, probably, all the organic beings which have ever lived on this earth have descended from some one primordial form, into which life was first breathed by the Creator.

Is it too much to say that, in the good old times, opinions like these would have been strongly redolent of fagot and flame?

Our philosophical reformer adduces numerous facts which he holds to be inexplicable on the theory of independent acts of creation. By the supposition of a migration, with subsequent modification, we can see why oceanic islands should be inhabited by few species, but, of these, that many should be peculiar. We can clearly see why those animals which cannot cross wide spaces of ocean, as frogs and terrestrial mammals, should not inhabit oceanic islands; and why, on the other hand, new and peculiar species of bats, which can traverse the ocean, should so often be found on islands far distant from any continent. The grand facts respecting the grouping of all organic beings on certain areas of the earth's surface—such as a predominance of monkeys with prehensile tails in one country, of ant-eaters and toothless animals in

* See "Species," in *All the Year Round*, No. 58, p. 174.

another, of pouched animals in another, of a peculiar modification of leaves in Australian shrubs, of peculiar aloes or agaves in America—are inexplicable on the theory of creation.

Glancing at instincts, marvellous as some are, they offer, it appears, no greater difficulty than does corporeal structure, on the theory of the Natural Selection of successive, slight, but profitable, modifications. We can thus understand why nature moves by graduated steps in endowing different animals of the same class with their several instincts. On the view of all the species of the same genus having descended from a common parent, and having inherited much in common, we can understand how it is that allied species, when placed under considerably different conditions of life, yet should follow nearly the same instincts; why the male wrens of North America, for instance, build "cock-nests" to roost in, like the males of our distinct kitty-wrens—a habit wholly unlike that of any other known bird. On the view of instincts having been slowly acquired through Natural Selection, we need not marvel at some instincts being apparently not perfect, but liable to mistakes, as when blow-flies lay their eggs in the carrion-scented flowers of stapelias; nor at many instincts causing other animals to suffer, as when ants make slaves of their fellow-ants, when the larvæ of ichneumon flies feed within the live bodies of caterpillars, and when the nestling cuckoo ungratefully ejects his legitimate foster-brothers out of the family nest.

Instincts are as important as bodily structure for the welfare of each species, under the conditions of life by which it happens to be surrounded. Under changed circumstances, it is possible that slight modifications of instinct might be profitable to a species; and if it can be shown that instincts do vary ever so little, then Mr. Darwin sees no difficulty in Natural Selection preserving and continually accumulating variations of instinct to any extent that may be profitable. His line of argument—and the whole volume is one long argument—may be summed up in this: give him an inch, and he takes an ell. Instincts certainly do vary—for instance, the migratory instinct varies, both in extent and direction, and in its total loss. So it is with the nests of birds, which vary partly in dependence on the situations chosen and on the nature and temperature of the country inhabited, but often from causes wholly unknown to us. It is thus, he believes, that all the most complex and wonderful instincts have originated; although no complex instinct can possibly be produced except by the slow and gradual accumulation of numerous slight, yet profitable, variations, requiring ages upon ages, and tens of thousands, perhaps hundreds of millions, of generations to work them out. For Mr. Darwin assumes such an inconceivably vast period of lapsed time for the accomplishment of his theory, that it is simply not eternity, because it *had* a beginning.

Variations of instinct, thus acquired, become, in races, habitual and hereditary. Habit and

the selection of so-called accidental variations, have played important parts in modifying the mental qualities of our domestic animals. It cannot be doubted that young pointers will sometimes point, and even back other dogs, the very first time that they are taken out; retrieving is certainly in some degree inherited by retrievers; as is a tendency to run round, instead of at, a flock of sheep by shepherds' dogs. These actions do not differ essentially from true instincts; for the young pointer can no more know that he points to aid his master, than the white butterfly knows why she lays her eggs on the leaf of the cabbage. How strongly these habits and dispositions are inherited, and how curiously they become mingled, is well shown when different breeds of dogs are crossed. A cross with the greyhound has given to a whole family of shepherds' dogs, the lurchers, a tendency to hunt hares, rendering them invaluable to poachers. Le Roy describes a dog whose great-grandfather was a wolf, and this dog showed a trace of its wild parentage only in one way—by not coming in a straight line to his master when called.

To understand how instincts in a state of nature have become modified by Natural Selection, let us consider the case of the cuckoo. It is commonly admitted that the more immediate and final cause of the cuckoo's instinct is that she lays her eggs, not daily, but at intervals of two or three days; so that, if she were to make her own nest and sit on her own eggs, those first laid would have to be left for some time unincubated, or there would be eggs, and young birds of different ages in the same nest; which would make the process of laying, hatching, and rearing the young, inconveniently long and troublesome. The American cuckoo makes her own nest, and has eggs and young successively hatched, all at the same time.

Now, instances can be given of various birds which have been known occasionally to lay their eggs in other birds' nests. Let us suppose that the ancient progenitor of our European cuckoo had the habits of the American cuckoo, but that she occasionally laid an egg in another bird's nest by way of experiment. If the old bird profited by this occasional habit, or if the young were made more vigorous by the mistaken maternal instinct of another bird than by their own mother's care, encumbered as she can hardly fail to be by having eggs and young of different ages at the same time, then the old birds, or the fostered young, would gain an advantage. And analogy leads Mr. Darwin to believe that the young thus reared would be apt to follow, by inheritance, the occasional and aberrant habit of their mother, and in their turn would possibly lay their eggs in other birds' nests, and thus be successful in rearing their young. By a continued process of this nature, he believes that the strange instinct of our cuckoo could be, and has been, generated.

To Mr. Darwin, this explanation appears conclusive; other persons, less under the influence of a fixed idea, may observe that, with the help

of an "if" and a "suppose," there is little difficulty in explaining anything.

The occasional habit of birds laying their eggs in other birds' nests, either of the same or of a distinct species, is not very uncommon with the Gallinaceæ; it is frequent with domestic hens; and this, perhaps, explains the origin of a singular instinct in the allied group of ostriches, for several hen ostriches, at least in the case of the American species, unite and lay, first a few eggs in one nest, and then the rest in another, and these are hatched by the males. This instinct may probably be accounted for by the fact of the hens laying a large number of eggs, but, as in the case of the cuckoo, at intervals of two or three days. The instinct, however, of the American ostrich has not as yet been perfected; for a surprising number of eggs lie strewn over the plains, so that in one day's hunting Mr. Darwin himself picked up no less than twenty lost and wasted eggs.

Many bees are parasitic, and always lay their eggs in the nests of bees of other kinds. This case is more remarkable than that of the cuckoo, for these bees have not only their instincts, but their structure also, modified in accordance with their parasitic habits: they do not possess the pollen-collecting apparatus which would be necessary if they had to store food for their own young. Some species likewise of Sphegideæ (wasp-like insects) are parasitic on other species; and M. Fabre has lately shown good reason for believing that although the *Tachytes nigra* generally makes its own burrow and stores it with paralysed prey for its own larvæ to feed on, yet that when this insect finds a burrow already made and stored by another sphecx, it takes advantage of the prize, and becomes, for the occasion, parasitic. In this case, as with the supposed case of the cuckoo, Mr. Darwin can see no difficulty in Natural Selection making an occasional habit permanent, *if* of advantage to the species, and *if* the insect whose nest and stored food are thus feloniously appropriated, be not thus exterminated.

Such ideas are opposed to the belief of philosophers who hold that the various species of plants and animals have been independently created, and have been purposely fitted and adapted to the place in creation which they were intended to occupy by an Overruling Intelligence; for it is maintained that the more complex organs and instincts have been perfected, not at once in the first-created individual, by the Hand of the Maker, but by the accumulation of innumerable slight variations, each good for the individual possessor for the time being, during an exceedingly long succession of individuals from generation to generation.

The result is asserted to have been effected in this way: there can be no doubt that species give rise to minor varieties; for no two individuals are exactly alike, but may be easily distinguished one from the other. A shepherd knows every sheep in his flock, a huntsman every hound in his pack, calling it by name; a busy-body knows every face in his village and its

neighbourhood; probably a bee knows every bee belonging to its hive. Variations are often hereditary; red-haired parents will probably have a red-haired family. Varieties of talent and bodily strength are hereditary; diseases and defects are hereditary, as is every day seen with consumption and deafness. If any animal or plant in a state of nature be highly useful to man, or from any cause closely attract his attention, varieties of it will almost universally be found recorded. Now, individual differences are considered by Mr. Darwin as the first step towards such slight varieties as are barely thought worth mentioning in works on natural history: varieties which are in any degree more distinct and permanent, are steps leading to more strongly marked and more permanent varieties; and these latter lead to sub-species, and to species. In short, all organised and animated forms are in a state of passage from one stage of difference to another; all nature is moving insensibly forwards up the slope of one vast sliding scale; the world is a never-ceasing workshop for the process of manufacturing new species of plants and animals.

Mr. Darwin believes that any well-marked variety may be called an incipient species; and herein lies the whole turning-point, the corner-stone, perhaps the stumbling-block, of his System of Nature; grant him that, and nothing can stop the career of his theory; give him that inch, and he may take, not an ell, but a hundred thousand miles of philosophical territory. Conscious of the importance of his postulate, he candidly observes: "Whether this belief" (that varieties are incipient species) "be justifiable, must be judged of by the general weight of the several facts and views given throughout this work." Achilles is a mighty man, but unfortunately he is afflicted with a vulnerable heel. Elsewhere he says: "It has often been asserted, but the assertion is quite incapable of proof, that the amount of variation under nature is a strictly limited quantity." But there's the rub. A mathematical demonstration may be impossible; but certain observers and experimenters say that their experiments and observations strongly *tend* to the belief that varieties do not vary beyond certain limits; that is the impression which their minds receive from what they see; just as Mr. Darwin's observations strongly tend to make him view all existing beings, not as special creations, but as the lineal descendants of some few beings which lived long before the first bed of the Silurian system was deposited, and to conclude thence that (as all the living forms of life are the lineal descendants of those which lived long before the Silurian epoch) we may feel certain that the ordinary succession by generation has never once been broken, that no cataclysm has desolated the whole world, and that we may look with some confidence to a secure future of equally inappreciable length.

But no human intellect, unaided by revelation, is at present able to make such conclusions as these matters either of positive proof or of positive refutation. They must remain a ques-

tion of opinion, a balancing of probabilities, in which each man judges according to his lights, the tone of his mind, and the inferences which his previous notions lead him to draw from the premises before him. Two men may arrive at contrary opinions, both reasoning with perfect sincerity of heart and desire for truth. For instance, while Mr. Darwin holds that the world has been desolated by no past cataclysm and need apprehend no future one (which is contrary to the universal tradition and belief of civilised nations), M. Bontigny, a savant of high rank in his own country, asserts, with specious and plausible argument, not only that the moon was shot out by a convulsive explosion from the earth, but that our planet may any day be seized with the throes of a universal earthquake which shall end in the expulsion of a second satellite; in which case, every living thing must be destroyed by fire. No cataclysm! Why Messieurs Adhémar and Lehon, distinguished men of science, believe that they have proved that a grand deluge must inevitably devastate the globe every ten thousand five hundred years;* that such deluges have regularly occurred during all previous time, and that such will recur again at their stated epochs; and that, although these grand deluges may not be so universal as to desolate the *whole* world, they are cataclysms sufficiently terrific to exterminate the great majority of existing creatures, and to render a fresh act of creation an event at least desirable and called for by circumstances.

To return to the theory by which independent creations are obviated. Nature is most prodigal in conferring life. More individuals of every kind, both plants and animals, are produced than can possibly survive, and there must in every case be a contest for life; either between individuals of the same species, or between the individuals of distinct species. It is Malthus's doctrine applied to the whole animal and vegetable kingdoms, with increased force; for, in this case, there can be no artificial increase of food, and no prudential restraint from marriage. Although some species may be now increasing more or less rapidly in numbers, all cannot so increase, for the world would not hold them. There is no exception to the rule that every organic being naturally increases at so high a rate, that, if not destroyed, the earth would soon be covered by the progeny of a single pair. Even slow-breeding man has doubled in twenty-five years; and at this rate, in a few thousand years there would literally not be standing-room for his progeny. Linnæus has calculated that if an annual plant produced only two seeds—and there is no plant so unproductive as this—and their seedlings next year produced two, and so on, then, in twenty years, there would be a million of plants.

As a consequence, the weakest goes to the wall; it is a race for life, with the dunces taking the hindmost. A grain in the balance will determine which individual shall live and

which shall die: which variety or species shall increase in number, and which shall decrease, or finally become extinct. The slightest advantage in one being, at any age or during any season, over those with which it comes into competition, or any better adaptation in however slight a degree to the surrounding physical conditions, will tend to the preservation of that individual, and will generally be inherited by its offspring. The offspring, also, will thus have a better chance of surviving, for, of the many individuals of any species which are periodically born, but a small number can survive. This is Natural Selection—a power which acts during long ages, rigidly scrutinising the whole constitution, structure, and habits of each creature—favouring the good and rejecting the bad. Though nature grants vast periods of time for the work of natural selection, she does not grant an indefinite period; for as all organic beings are striving, it may be said, to seize on each place in the economy of nature, if any one species does not become modified and improved in a corresponding degree with its competitors, it will soon be exterminated.

Cases of adaptation which have hitherto been attributed to design and contrivance are by this theory regarded as the result of natural selection only. When we see leaf-eating insects green, and bark-feeders mottled grey, the Alpine ptarmigan white in winter, the red grouse the colour of heather, and the black grouse that of peaty earth, we must believe that those tints are of service to these birds and insects in preserving them from danger. Grouse, if not destroyed at some period of their lives, would increase in countless numbers—they are known to suffer largely from birds of prey; and hawks are guided by eyesight to their prey—so much so, that on parts of the Continent persons are warned not to keep white pigeons, as being the most liable to destruction. Hence Mr. Darwin can see no reason to doubt that Natural Selection might be effective in giving the proper colour to each kind of grouse, and in keeping that colour, when once acquired, true and constant.

To make it clear how Natural Selection acts, an imaginary illustration is given. Let us take the case of a wolf, which preys on various animals, securing some by craft, some by strength, and some by fleetness; and let us suppose that the fleetest prey, a deer, for instance, had from any change in the country increased in numbers, or that other prey had decreased in numbers, during that season of the year when the wolf is hardest pressed for food. Under such circumstances, there is no reason to doubt that the swiftest and slimmest wolves would have the best chance of surviving, and so be preserved or selected—provided always that they retained strength to master their prey at this or some other period of the year, when they might be compelled to prey on other animals. There seems no more reason to doubt this, than that man can improve the fleetness of his greyhounds by methodical selection, or by that unconscious selection which results from

* See All the Year Round, No. 52, p. 40.

each man trying to keep the best dogs without any thought of modifying the breed.

Even without any change in the proportional numbers of the animals on which our wolf preyed, a cub might be born with an innate tendency to pursue certain kinds of prey. Nor can this be thought very improbable; for we often observe great differences in the natural tendencies of our domestic animals; one cat, for instance, taking to catching rats, another mice; one cat, according to Mr. St. John, bringing home winged game, another hares, or rabbits, and another hunting on marshy ground and almost nightly catching woodcocks or snipes. The tendency to catch rats rather than mice is known to be inherited. Now, if any slight innate change of habit or of structure benefited an individual wolf, it would have the best chance of surviving and of leaving offspring. Some of its young would probably inherit the same habits or structure, and by the repetition of this process, a new variety might be formed which would either supplant or coexist with the parent form of wolf. Or, again, the wolves inhabiting a mountainous district, and those frequenting the lowlands, would naturally be forced to hunt different prey; and from the continued preservation of the individuals best fitted for the two sites, two varieties might be slowly formed. According to Mr. Pierce, there are two varieties of the wolf inhabiting the Catskill Mountains in the United States; one with a light greyhound-like form, which pursues deer, and the other more bulky, with shorter legs, which more frequently attacks the shepherds' flocks.

The use and the disuse of particular organs combine their effects with those of natural selection, in the modification of species; use strengthens and enlarges certain parts, and disuse diminishes them. Such modifications are inherited. Many animals have structures which can be explained by the effects of disuse. As Professor Owen has remarked, there is no greater anomaly in nature than a bird that cannot fly; yet there are several in this state. Since the larger ground-feeding birds seldom take flight except to escape danger, Mr. Darwin believes that the nearly wingless condition of several birds, which now inhabit or have lately inhabited several oceanic islands, tenanted by no beast of prey, has been caused by disuse. The ostrich, indeed, inhabits continents, and is exposed to danger from which it cannot escape by flight; but by kicking it can defend itself from its enemies, as well as any of the smaller quadrupeds. We may imagine that the early progenitor of the ostrich had habits like those of a bustard, and that as Natural Selection increased in successive generations the size and weight of its body, its legs were used more, and its wings less, until they became incapable of flight.

The eyes of moles and of some burrowing rodents are rudimentary in size, and in some cases are quite covered up by skin and fur. This state of the eyes is probably due to gradual reduction from disuse, but aided, perhaps, by

Natural Selection. In South America, a burrowing rodent, the *tuco-tuco*, is even more subterranean in its habits than the mole; and the Spaniards, who often catch them, assert that they are frequently blind. One, which Mr. Darwin kept alive, was certainly in this condition, the cause, as appeared on dissection, having been inflammation of the nictitating membrane. As frequent inflammation of the eyes must be injurious to any animal, and as eyes are certainly not indispensable to animals with subterranean habits, a reduction in their size, with the adhesion of the eyelids and growth of fur over them, might, in such case, be an advantage; and if so, Natural Selection would constantly aid the effects of disuse. It is well known that several animals, belonging to the most different classes, which inhabit the caves of Styria and of Kentucky, are blind. In some of the crabs, the foot-stalk for the eye remains, though the eye is gone; the stand for the telescope is there, though the telescope with its glasses has been lost. As it is difficult to imagine that eyes, though useless, could be in any way injurious to animals living in darkness, Mr. Darwin attributes their loss wholly to disuse. Not a single domestic animal can be named which has not, in some country, drooping ears; and the view suggested by some authors, that the drooping is due to the disuse of the muscles of the ear from the animals not being much alarmed by danger, is accepted as probable.

Mr. Wollaston has discovered the remarkable fact that two hundred kinds of beetles, out of the five hundred and fifty inhabiting Madeira, cannot fly; and that of the twenty-nine endemic genera, no less than twenty-three genera have all their species in this condition. Several facts, namely, that beetles, in many parts of the world, are frequently blown to sea and perish; that the beetles in Madeira, as observed by Mr. Wollaston, lie much concealed until the wind lulls and the sun shines; that the proportion of wingless beetles is larger on the exposed Desertas than in Madeira itself; and especially the extraordinary fact, so strongly insisted on by Mr. Wollaston, of the almost entire absence of certain large groups of beetles, elsewhere excessively numerous, and which groups have habits of life almost necessitating frequent flight;—these several considerations have made Mr. Darwin believe that the wingless condition of so many Madeira beetles is due mainly to the action of natural selection, but combined probably with disuse. For, during thousands of successive generations, each individual beetle which flew least, either from its wings having been ever so little less perfectly developed, or from indolent habit, will have had the best chance of surviving from not being blown out to sea; and, on the other hand, those beetles which most readily took to flight would oftenest have been blown to sea and thus have been destroyed. As with mariners shipwrecked near a coast, it would have been better for the good swimmers if they had been able to swim still further, whereas it would have been better for

the bad swimmers if they had not been able to swim at all, and had stuck to the wreck.

The theory, of which a brief sample has been given, entails the vastest consequences. We are no longer to look at an organic being as a savage looks at a ship—as at something wholly beyond his comprehension; we are to regard every production of nature as one which has had a history; we are to contemplate every complex structure and instinct as the summing up of many contrivances, each useful to the possessor, nearly in the same way as when we look at any great mechanical invention as the summing up of the labour, the experience, the reason, and even the blunders, of numerous workmen. The natural system of classification becomes a genealogical arrangement, in which we have to discover the lines of descent by the most permanent characters, however slight their vital importance may be; because the real affinities of all organic beings are due to inheritance or community of descent. Natural Selection can only act through and for the good of each being; acting by competition, it adapts the inhabitants of each country only in relation to the degree of perfection of their associates; so that we need feel no surprise at the inhabitants of any one country (although on the ordinary view supposed to have been specially created and adapted for that country) being beaten and supplanted by the naturalised productions from another land. Nor ought we to marvel if all the contrivances in nature be not, as far as we can judge, absolutely perfect; and if some of them be abhorrent to our ideas of fitness. We need not marvel at the sting of the bee causing the bee's own death; at the instinctive hatred of the queen bee for her own fertile daughters; and at other such cases.

Judging from the past, we are to infer that not one living species will transmit its unaltered likeness to a distant futurity. And, of the species now living, very few will transmit progeny of any kind to a far-distant futurity; for the manner in which all organic beings are grouped, shows that the greater number of species of each genus, and all the species of many genera, have left no descendants, but have become utterly extinct. We can so far take a prophetic glance into futurity as to foretell that it will be the common and widely-spread species, belonging to the larger and dominant groups, which will ultimately prevail and procreate new and dominant species. And as Natural Selection works solely by and for the good of each being, all corporeal and mental endowments will tend to progress towards perfection. Thus, from the war of nature, from famine and death, the most exalted object which we are capable of conceiving, namely, the production of the higher animals, directly follows.

Timid persons, who purposely cultivate a certain inertia of mind, and who love to cling to their preconceived ideas, fearing to look at such a mighty subject from an unauthorised and unwonted point of view, may be reassured by the reflection that, for theories, as for organised

beings, there is also a Natural Selection and a Struggle for Life. The world has seen all sorts of theories rise, have their day, and fall into neglect. Those theories only survive which are based on truth, as far as our intellectual faculties can at present ascertain; such as the Newtonian theory of universal gravitation. If Mr. Darwin's theory be true, nothing can prevent its ultimate and general reception, however much it may pain and shock those to whom it is propounded for the first time. If it be merely a clever hypothesis, an ingenious hallucination, to which a very industrious and able man has devoted the greater and the best part of his life, its failure will be nothing new in the history of science. It will be a Penelope's web, which, though woven with great skill and art, will be ruthlessly unwoven, leaving to some more competent artist the task of putting together a more solid and enduring fabric.

ARDISON AND CO.

THE Island of Sardinia, one of the rare Italian localities hitherto happily exempt from the excitement of political passions, and the disturbing influences which have seldom ceased to trample the bosom of its continental parent, has recently been startled by the discovery of a moral disease in its domestic life, which will find few parallels in the history of crime.

Most persons who, like the writer, have had opportunities of studying the character and social habits of the island Sardis, bear willing testimony to their quiet industry, their calm content, their affectionate disposition, their almost patriarchal practice of the relative duties of host and guest, of master and servant, and, lastly, to their cordial yet not undignified appreciation of interest felt or courtesy expressed by pilgrims from afar.

Petty crimes are of singularly rare occurrence. The prisoners at this moment confined in the gaols of Sassari and Cagliari are almost exclusively importations—not children of the soil—and the prison of the large town of Cagliari has not for two years enclosed a single occupant. When murder has, from time to time, left its stain on these otherwise satisfactory records, it has been usually traceable to no meaner source than the quick and fiery jealousy in all ages a notable characteristic of this people, or to the lingering influence of the deadly "vendetta"—inherited blood-feud—which has sacrificed whole families, and once depopulated an entire village for one girl.

There was, years ago, a certain village beauty, whose list of lovers included every disengaged male of the township, and this maiden had three fierce brothers. Now, to salute the lips of a fair lady in public, constitutes an offence which, if not condoned by instant marriage, entails an inevitable "vendetta" upon the families concerned. In order, it seemed, to bring matters to a crisis, the most impatient of the suitors availed himself of a village fête, to salute his beautiful mistress at the head of a procession. He was *not* the favoured one, for

the rustic beauty withdrew, without a word, to her father's house. The friends of the parties, knowing what must ensue, rallied speedily around them; eight lives were lost in the first encounter; and so terrible and comprehensive was the feud, that, after the sacrifice of twenty more lives, the survivors gradually abandoned the village, leaving its ruins visible as a memorial of the most sanguinary vendetta on record.

Widely different in every point of view, though yet more fatal, is the case about to be noticed, the circumstances of which, during a judicial inquiry extending over seventeen days, created the most painful and engrossing interest.

Some few years ago, there appeared at Sassari, the second city of the island, a person of the name of Ardison, who had quitted the beautiful Riviera di Genova to establish himself in Sardinia as an oil-distiller: purchasing, for the purpose of his trade, the refuse of the olives from the crushing-mills. He was mean and illiterate; but, being shrewd and persevering in business, succeeded, in an amazingly short period, in amassing a considerable fortune. His example was followed by fresh speculators, and, as another and another distillery shot up in his neighbourhood and prospered, Ardison found his business dwindling into the mere shadow of itself, with the prospect of a still further decline.

Ardison arrived at the diabolical resolution to remove one or more of his competitors by murder. An instrument was at hand. His foreman, Cossa, was a person of such notoriously unscrupulous character, that it is quite possible the sight of these "means to do ill deeds" suggested the first step in the bloody journey. Certain is it, that the master having "faintly broke" his wishes to the man, found the latter so amenable to argument, and so moderate in his views respecting reward, that it was agreed between them to get rid of—not one, but all the interlopers, at the small charge of twenty pounds English a head. And the bargain, once struck, was punctually performed.

The facility with which the respectable foreman entered into an affair so much out of his regular line of business, will be understood by a fact elicited on a subsequent trial: that he, Cossa, was a member of a brotherhood of professed assassins, chiefly refugees from different parts of the Continent, calling themselves the "Confraternity of Saint Paul."

Signor Ardison had now once more the field to himself. But was he much the better? Will not that fearful foreman have a word occasionally for his master's ear? And will it be always prudent to bid him mind his oil-vats and his pay-book? Such misgivings greatly qualified the satisfaction derivable from the sum total of profits now once more accruing to the original oil-distiller. But the whisper came at last, in a somewhat different manner from that which his misgivings suggested.

The Confraternity of Saint Paul had been engaged in preparing a little list of gentlemen in the neighbourhood, chiefly, but not necessarily, connected with trade; for it sufficed that Signor

Anybody laboured under the disadvantage of being either rich enough to pay, or troublesome enough to render his decease desirable.

A correspondence to the following effect was proved on the trial:

"Signor Anybody: Ardison, from interested motives, has offered two hundred and fifty francs for your life."

Rejoinder:

"What have I done to injure him?"

Answer:

"Lessened his profits. He requires your removal, signor, and will, sooner or later, carry his point. He is rich. What will *you* give?"

Terrified reply:

"My good fellow, self-preservation is the first law of nature. Should anything happen to Ardison, come to me for twenty pounds."

Anonymous protector:

"But, signor, what security?"

Final answer:

"Take the money, you rascal, and have done with it."

The foreman now waited upon Ardison. Sorry to inform respected padrone, that Signor Anybody has become aware of certain facts against him, and is determined on revenge. He has had the villainess to offer twenty pounds for the padrone's life—and will have it, for he is rich—and will assuredly either kill or denounce the padrone.

"Impossible: that cannot be permitted. Here, my good Cossa, take these twenty pounds. Upon the demise of Signor Anybody, come to me for twenty more."

That same night, Signor Anybody deceases: having purchased death, not life and safety. Ardison, the golden goose, is allowed to live; but so completely did he become the prey and dupe of this band of miscreants; so effectually was he enveloped in the network of crime, that he lived in perpetual dread of assassination: purchasing at immense prices the continuance of his miserable existence, and authorising, if not directly ordering, the destruction of no fewer than forty persons, many of whom he had never seen.

At length the day of reckoning dawned.

One Sacchi—a horrible ruffian—was arrested on a charge of homicide, and lodged in gaol, from whence he forwarded to Ardison a demand for money, both for the purpose of subsistence and for the cost of his defence. The padrone refused money, but promised to supply an excellent daily repast, and apparently redeemed his promise even better than if he had been a government inspector of provisions for discharged Indian veterans; for the prisoner became alarmingly ill, and, under the conviction that he had been poisoned by Ardison, sent for the gaoler and priest, and denounced to them with his dying breath, both Ardison and the Confraternity.

The entire gang were speedily in custody, and the trial commenced at Cagliari about the middle of last March. It occupied seventeen days, and comprised the testimony of nearly three hundred witnesses.

For his defence, Ardison retained the celebrated advocate Mancini, of Milan, with whom a contract was signed, to the effect that if he, the defendant, were condemned to death, Mancini should receive twelve thousand francs—four hundred and eighty pounds—and all his expenses. If his client escaped the extreme penalty, the fee was to be raised to forty-five thousand francs—eighteen hundred pounds—and expenses aforesaid.

Mancini, in one of the most eloquent and skilful defences on record, occupying two days, so handled the immense mass of evidence, that, though the guilt of Ardison was as clear as day, the judges dared not award the capital punishment; but declared the charge of "sending to kill" not proved. This seems to have especially applied to the alleged murder of Sacchi, whose death was asserted to have been produced by mercury—a mineral taken in one form or other by so many persons, that it is not surprising that the laminae of gold used in two post-mortem examinations should have exhibited its presence.

Judgment upon the whole case was awarded as follows:

Ardison, fifteen years in the galleys. Satta Poletta, the same. Advocate Umana, two years' seclusion. Cossa, foreman, death. Poletta (brother), the same. Podigae, the same.

Five others were acquitted. Ardison has the right of appeal, and having, after some hesitation, accepted it, the proceedings as regards him will have to be renewed before the high court at Genoa, a steamer having been already chartered for the conveyance of the three hundred witnesses to that city.

In closing this black page in Sardinia's island-history, let it be again recorded that the guilty authors of these atrocities were not of island birth or nurture; they were men fostered in the bosom of Italy. Driven out from thence, they descended like a blight on peaceful Sassari, and for two years held its inhabitants so completely in awe, that the government found itself compelled to remove the court of appeals, to Cagliari, at the opposite end of the island, in order that justice might be administered without the lives of judge, advocates, or witnesses, being placed in jeopardy.

LECTURED IN BASINGHALL-STREET.

To the mercantile world the name of Basinghall-street is inseparably connected with the Bankruptcy Court, and the title of the present paper, cursorily glanced at, would argue but badly for the respectability of its author. Miserly uncles would shake their heads and glorify at the fulfilment of their predictions as to their nephews' ultimate end; good-natured friends, and never-failing dinner convives, supper droppers-in, pipe-smokers and grog-drinkers, would shrug their shoulders and call upon each other to testify how often they had said that such a style of living could not continue; the half-crown borrowers, charity seekers, sick wife and children possessors, and

all those purse-blisters who form a portion of every man's acquaintance, would crow and chuckle over his fallen body, and quickly make off to fatten on some other friend who yet could be made to bleed. But, though it has not come to this; though, being a simple clerk, I have not yet taken brevet rank as a "trader" for the purpose of evading my creditors under the Bankruptcy Laws; though I have not sold a few lucifer matches to a convenient friend for the purpose of appearing as a timber-merchant, nor made over to my aunt any of my undoubted (Wardour-street) Corregios to figure as a picture-dealer; though I have not been "supported" by Mr. Linklater, or "opposed" by Mr. Sargood; though Quilter and Ball have not yet received instructions to prepare my accounts; though the official assignee has had nothing to do with me, and though the learned commissioner has not been compelled, as a matter of duty, to suspend my certificate for six months, which is then to be of the third class—yet have I been lectured in Basinghall-street, and pretty severely too.

This is how it came to pass. Schmook, who is the friend of my bosom, and an opulent German merchant in Austin-friars, called on me the other day, and, having discussed the late fight, the new opera, the robbery at the Union Bank, and other popular topics, told me he could send me to a great entertainment in the City. I replied, with my usual modesty, that in such matters I had a tolerably large acquaintance. I mentioned my experience of Lord Mayors' banquets, and I enlarged, with playful humour as I thought, on the tepid collation thereat spread before you, on the ridiculous solemnity of the loving-cup, with its absurd speech, its nods and rim-wiping; on the preposterous stentorian toastmaster, with his "Pray si-lence for the chee-aw!" on the buttered toasts and the drunken waiters, and the general imbecility of the whole affair. Diverging therefrom, I discoursed learnedly on the snug little dinners of City companies, from the gorgeous display of the Goldsmiths down to the humble but convivial spread of the Barbers. Schmook was touched, and it was some few minutes before he could explain that it was to a mental and not a corporeal feast that he wished to send me. At length he stammered out, "The Cresham legshure! Ver' zientifig! kost nichts! noting to bay!" and vanished, overcome.

Schmook not coming to see me again, I had forgotten the subject of our conversation, when I lighted upon an advertisement in a daily paper setting forth that the Gresham lectures for this Easter term would be given—certain subjects on certain named days—in the theatre of the Gresham College in Basinghall-street, in Latin at twelve o'clock, and in English at one. Wishing to know something of the origin and intent of these lectures, I applied to my friend Veneer, the well-known archaeologist and F.S.A., but he was so engaged on his forthcoming pamphlet on Cuneiform Inscriptions that he merely placed in my hands a copy of Maunder's Biographical Treasury

open at the name of Sir Thomas Gresham, the page containing whose biography was surrounded with choice maxims. I proceeded with the biography, and learned that the good old "royal merchant" had by will founded seven lectureships for professors of the "seven liberal sciences," and that their lectures were to be given, gratis, to the people. And I determined to profit by Sir Thomas Gresham's bounty.

The social science which I chose to be lectured on was rhetoric, thinking I might gain a few hints for improving myself in neat after-dinner speeches and toast-proposings, and at a few minutes before noon on the first day, when this subject stood for discussion on the syllabus, I presented myself at the Gresham College. A pleasant-faced beadle, gorgeous in blue broad-cloth and gold, and with the beaver-iest hat I had ever seen—a cocked-hat bound with lace like the Captain's in Black-Eyed Susan—was standing in the hall, and to him I addressed myself, asking where the lecture was given.

"In the theatre, up-stairs, sir. Come at one, and you'll hear it in English."

"Isn't it given in Latin at twelve?"

"Lor' bless you, not unless there's three people present, and *there never is!* I give 'em five minutes, but they never come! Pity, ain't it? He's here, all ready" (jerking his head towards an inner door), "he's got it with him; but there's never anybody to hear him, leastways werry seldom, and then if there is three or four come in for shelter out of the rain or such-like, d'rectly he begins in Latin, and they can't understand him, they gets up and goes away!"

"Then they do come to the English lectures?"

"Bless you, yes; to some of them, lots, specially the music and the 'stronomy. Ladies come—lots of 'em—and the clerks out of the counting-houses hereabouts, for the music lecture's in the evening, you know; and they brings ladies with 'em—ah, maybe as many as a hundred!"

"Well, I'll go up and take my chance of somebody coming!"

"You're welcome, sir, but I'm afraid you'll be the only one."

I went up-stairs, and soon found myself in one of the prettiest lecture-theatres I had ever seen, semicircular in shape, and fitted with benches, rising one above the other, and capable of holding some five hundred people. The space allotted to the lecturer was partitioned off by a stout panelling, and was fitted with a red-covered table, and a high standing-desk. There was also an enormous slate, with traces of recent diagrams still unobliterated, and an indescribable something, like a gymnastic machine, behind it. I took a seat on one of the topmost benches, and remained there a solemn five minutes, in the midst of a silence and desolation quite appalling. At last I heard a footstep on the stone stairs, and I hoped, but it was the beadle's. "I told you so," he said, pleasantly. "I always gives 'em five minutes; now, if you want to hear the lecture, come again at one!"

I went again at one, and found what a French-

man would call "du monde." There must have been fully seventeen people present. Close down against the rail partitioning off the lecturer's stage, was a crushed and spiritless man, with a fluffy head of hair, like a Chinchilli boa or an Angora cat, who seemed in the lowest possible spirits: leaning his head against the oaken panelling in front of him, he kept groaning audibly. Immediately behind him sat two seedy old women, in damp, mildewed, lustreless black, with smashed bonnets, and long, black, perspiry old gloves, the fingers of which, far too long, doubled over as far as the knuckles. They looked more like superannuated pew-openers than old ladies, and kept conversing in a hoarse whisper, at every sentence addressing each other as "mem." A little higher up, a fair-haired, light-whiskered man had ensconced himself against one of the pillars, and was cutting his nails. He was properly balanced on the other side of the hall by a black-bearded man, leaning against the opposite pillar, who scratched his head. Close by me, at the upper portion of the hall, were a very pretty girl and a savage, fidgety old woman; probably her aunt. Next to the aunt, a spry man, with blue spectacles, who commenced taking notes as soon as the lecturer opened his mouth: a man with a red nose and a moist eye, and a general notion of rum-and-water about him—probably in the appalling-accident, devouring-element, and prodigious-gooseberry line of literature. A misanthropic shoemaker, having on the bench beside him a blue bag bursting with boots, which diffused an acrid smell of leather and blacking, and a miserable old man in a faded camlet cloak who sat munching an Abernethy biscuit between his toothless gums, and snowing himself all over with the fragments, made up our company. After the lecture had proceeded about five minutes, the door opened, and a thin, sharp-faced man, in very short trousers, very dirty white socks, and low pumps, advanced two paces into the room, but he looked round deliberately, and after saying, quietly, "Dear me! ah!" as though he had made a mistake, turned round and retreated.

At a few minutes after one, a very tall gentleman in a Master of Arts gown appeared at the lecture table, and made a little bow. We got up a feeble round of applause to receive him—such applause as three umbrellas and two pair of hands could produce—but he bobbed in acknowledgment of it, looked up at the gallery, which was perfectly empty, and commenced. He had such a low opinion of us his audience, that he thought we could not have read the syllabus, for, instead of Rhetoric, his lecture, he told us, was upon Taste. I am, I trust, a patient hearer. I have lectured myself, and have a feeling for the position of a man being compelled to stand up and endeavour to win the attention of a stupid and scanty audience. I think there are very few men in London who have been better bored than I have in the course of my life, but I am bound to say that anything more appallingly dreary and uninteresting than the tall gentleman's discourse I never listened to. The matter was prosaic,

réchauffé, utterly void of originality, thoroughly wearying; the manner was that fatal sing-song generally indulged in by the English clergy, interspersed with constant desk-smittings, and with perpetual eye-reference to the gallery, where there was no one to respond. The effect upon the audience was tremendous: the Chin-chilli-headed man, more crushed than ever, made a perfect St. Denis of himself, and had nothing mortal above the collar of his coat; the light-whiskered man cut his nails to the quick in an agony of nervousness, and his black-bearded opposite scalped himself in despair; the pretty girl went to sleep, and was roused at intervals by parabol thrusts from her savage aunt; the "liner" shut up his note-book and amused himself by reading some of his previous productions on flimsy paper; the shoemaker glared indignantly, first at the lecturer, and then at any one whom he could seduce into an eye-duel; and the old Abernethy eater betook himself to repairing a rent in his camlet cloak with a needle and thread. As for myself, I bore it patiently as long as I could, then I yawned and fidgeted, and at length taking advantage of my proximity to the door, I rose up quietly and slipped out, the last words echoing on my ear being, "This theory is that of Browne, and for further particulars I refer you to his work on Intellectual Philosophy;" a work which, it struck me, was doubtless to be found on the book-shelves of all the audience.

As I walked home, I pondered on the fitness of these things, and wondered whether, in the strange course of events, the law would ever be able to comply less with the letter, and more with the spirit, of the intentions of a good and great man, and if so, whether instead of an unintelligible Latin lecture, and a preposterous English one, it would ever provide really good intellectual and moral culture gratis for London citizens, as was undoubtedly intended by the brave old Sir Thomas Gresham.

THE LAST OF VERY COMMON LAW.

To resume, and dismiss, the subject of Life Assurance.

A condition which was introduced into a proposal, and which stated that the person was in a "sound and perfect state of health, had not been afflicted with, and was not subject (among other diseases) to fits," was not deemed to be broken, although the proposer had previously been attacked by an epileptic fit in consequence of accident. "The interpretation which I put upon a clause of this kind," said Lord Abinger, "is not that the party never accidentally had a fit, but that he was not, at the time of insurance, a person habitually or constitutionally liable to fits from some peculiarity of temperament either natural, or contracted from some cause or other, during life."

The mere fact also of a person eventually dying of a disease he may have had before effecting the policy, does not, in the eye of the law, afford sufficient proof that he was

suffering at that time from a disease "tending to shorten life" within the meaning of the condition. In one instance where this question was raised, we find that the insurer had been troubled with, and eventually died from, dyspepsia; but this was not held to be a disease tending to shorten life in the legal, however much it might be in the medical, acceptation. "All disorders," Mr. Justice Chambre observed, "have more or less a tendency to shorten life, even the most trifling. Corns may end in mortification. That is not the meaning of the clause. If dyspepsia was a disorder that tended to shorten life within the exception, the lives of half the members of the profession of the law would be uninsurable."

Apart from all hygienic considerations, there are other conditions attached to life insurance which we must not omit to notice. There is the payment of the annual premiums, for example. It has been held that if the premiums be not paid in the manner stipulated, the policy will be lost; and this although a country agent may have received the money and given a receipt, after the expiration of the time allowed for payment. If any company, however, acquiesces in the acts of its agent, it then becomes bound by what he has done. A country agent, we find in one instance, received and transmitted to his office the annual premiums upon an insurance which was in fact voidable in consequence of the insurer at the time residing in Canada: he informing the person paying the premiums at the same time that this was of no consequence. On the falling in of the life, the policy was disputed, but ineffectually. The Lords Justices, before whom the matter came for trial, were of opinion that the forfeiture was waived, and Knight Bruce, who was one of them, said, "I think that whether the agent did or did not inform them of the true state of the circumstances in which the premiums were paid to him, the directors became, and are, as between them and the plaintiff, as much bound as if he had paid them the premiums to themselves. The directors taking the money were and are precluded from saying that they received it otherwise than for the purpose and in the faith in which the insured paid it."

It is the common practice, we know, for insurance-offices to allow so many days of grace for the payment of the premiums, after they have become actually due. Supposing, then, that Mr. Blank, having effected his insurance, were to die within the days of grace, but before payment of the premium, what would be the consequence? It is a momentous consideration, and unfortunately has never received any direct judicial decision. We have, however, the dictum of Mr. Justice Willes on the point, given casually in a case when it was not absolutely necessary that he should allude to it; and we shall do well to weigh his words carefully: "On this" (he was speaking of the condition that a policy should be void if the premiums were not paid within thirty days) "there is a question which parties would do wisely not to raise: whether that condition has reference only to a policy for future years, or whether,

if the premium be paid after it is due, and within such limited time, the executor can recover if the life dies within such days of grace. *I think that then thirty days are only with reference to the insurance of the life for future years.* I think the office is bound to receive the premium within the thirty days, and to go on insuring for future years if the person assured is alive, but that they are *not* bound to do so after his death." It will be well then, we may infer, for Mr. Blank to pay his premiums punctually, and not to compel his executors to raise this question.

Before leaving this branch of very common law, we are reminded of the possibility of Mr. Blank becoming a volunteer. If he should be induced to take up arms, let him look to his "life policy." Under ordinary circumstances we know that such a proceeding would vitiate the contract, and it will be well for him to learn how far the particular office in which he is insured will recognise his martial ardour.

Having secured a provision for his family by the insurance of his life, we find the current of our illustrative man's thoughts setting in very strongly towards his Last Will and Testament.

Imprimis, then, who can make a will? Mr. Blank, under ordinary circumstances, we know is endowed with this privilege. There are certain contingencies, however, which may rob him of the power. If he should have the misfortune, as was the case with my Lord Sandys in 1689, to be banished by act of parliament, he becomes civilly defunct, and cannot bequeath his property. If he should be afflicted with idiocy, or lunacy, the like incapacity will attach to him. Possibly, if he were to commit a felony (though the decisions are not altogether satisfactory upon the point) he would be debarred from the legal attributes of a testator. Certainly if he were coerced, or under the pressure of "undue influence," his will would be of no effect.

But what is "undue influence?" Would the conjugal blandishments of Mrs. Blank come under that category? Are barrels of oysters, consigned to affluent old ladies in the country, to be looked upon as instruments of "undue influence?" Can we be accused of exercising undue influence when we exhibit a fictitious delight in the stories heard so often from these old ladies' lips—when we assume a supernatural piety, in their sight—when we become suddenly interested in the natural history of the domestic cat—when we pronounce home-made wines to be infinitely preferable to those of Spain and Portugal? Even the lawyers themselves are at doubt upon the point, and only speak upon it vaguely. Lord Cranworth says that the vitiating influence must be an influence exercised either by coercion or by fraud. In order to come to the conclusion that a will has been obtained by coercion, it is necessary to establish that actual violence has been used or even threatened. "The conduct of a person in vigorous health towards one feeble in body, though not unsound in mind, may be such as to excite terror, and make him execute as his will an instru-

ment which, if he had been free from such influence, he would not have executed. Imaginary terrors," he continues, "may have been created sufficient to deprive him of free agency. A will thus made may possibly be described as obtained by coercion. So as to fraud: if a wife, by falsehood, raises prejudices in the mind of her husband against those who should be the natural objects of his bounty, and by contrivance keeps him from intercourse with his relatives, to the end that these impressions which she knows he had thus formed to their disadvantage may never be removed, such contrivance may, perhaps, be equivalent to positive fraud, and may render invalid any will executed under false impressions thus kept alive. It is, however, extremely difficult to state"—we find to be the substance of the learned judge's opinion—"in the abstract, what acts will constitute undue influence in questions of this nature. It is sufficient to say that, allowing a fair latitude of construction, they must arrange themselves under one or other of these heads: coercion or fraud."

We have asserted that a lunatic cannot make a will. If, however, he be blessed with occasional lucid intervals, he may do so whilst thus temporarily sane. But there will always be a strong element of suspicion attaching to such an instrument. "There is no possibility," says Lord Cranworth, "of mistaking midnight for noon; but, at what precise moment twilight becomes darkness, is hard to determine."

As to Mrs. Blank, she may not make a will, unless she has a separate estate, or special power to appoint by will given to her. An infant may not make a will. A person born deaf and dumb cannot make a will, unless it can be shown that he possessed sufficient understanding to read it when written. With the blind it is different. They *can* undertake this legal solemnity.

How the will has to be made? "No will," says the Wills Act, which is the safest authority we can quote, "shall be valid unless it shall be in writing and signed at the foot or end thereof by the testator or by some other person in his presence and by his direction, and such signature shall be made or acknowledged by the testator in the presence of two or more witnesses present at the same time, and such witnesses shall attest, and shall subscribe the will in the presence of the testator, but no form of attestation shall be necessary."

This is the broad road, upon which Mr. Blank may safely travel when disposing, by last will and testament, of his worldly goods. There are, however, as is usual in most legal highways, many little twists and turnings, where an intelligible guide-post may be of service to him.

Thus, although his signature, the Wills Act tells him, is a necessary requisite, he may, if not great at calligraphy, make a mark. Moreover, we gather from the following incident that it is of no vital importance should any other name than his be placed opposite this mark. A widow lady named Clarke, but who before her marriage had been called Barrall, having made

her will, ratified the same with her mark. An officious witness placed opposite to the mark the name "Susannah Barrall," thinking that to be her true name, and Sir Cresswell Cresswell, notwithstanding the error, allowed probate. "There is enough to show," he said, "that the will is really that of the person whose it professes to be. Her mark at the foot or end of it is a sufficient execution, and what somebody else wrote against that mark cannot vitiate it." The courts have of late years been actuated by a much more liberal spirit with regard to wills than they were wont to indulge in. Without adhering strictly and undeviatingly to the letter of the law, they make it their business, now, to discover, if possible, the meaning of the testator. This is precisely what anybody would wish to do, and the lawyers, for a wonder, have done it.

Although it is a common practice for a testator to sign every sheet (supposing it to be written upon more than one) of his will, it is not absolutely necessary to do so; but the executing of the last sheet is indispensable, and if done informally will vitiate the whole. A case was decided in the present year where a will was found written on several loose sheets of paper, the last only having been executed, and Sir Cresswell Cresswell allowed probate. He considered that the *prima facie* presumption was that the sheets were all together when the will was executed. An old gentleman, however, who had written his will on several sheets, and together, with the witnesses, executed the whole of them *except the last*, was not allowed by Sir John Dodson to have made a valid will.

The signature of the testator, as we have seen, must be "made or *acknowledged* in the presence of two witnesses, present at the same time." The witnesses need not, therefore, see the will signed, but they must be careful to see that it is signed. When a person made his will, and called in two witnesses to sign it, telling them that he wished them to sign a paper for him, without informing them that it was his will, and having the paper so folded that they could not see whether it was signed or not, the will was held to be bad. It would not have improved the matter if the testator had condescended to tell the witnesses that it was his will, if they had not seen the signature. Once having been satisfied, by ocular demonstration, however, that the instrument had been signed, a statement that it is a will, is a sufficient acknowledgment of the signature.

The clause as to the witnesses being present at the same time, &c., is an imperative one, and it has been held that the will must be signed or acknowledged, before *either* of the witnesses sign. A gentleman who was ill in bed made a codicil to his will, and signed it, in the presence of his sister. On the day following, his medical attendant visited him, and the invalid, producing the paper, said, "This is a codicil, doctor, to my will, signed by myself and my sister, at the bottom of the paper; you will oblige me if you will also add your signature, two witnesses being

necessary." The sister added, "There is my signature, you had better place yours underneath." The doctor signed, as requested, but Sir Herbert Jenner Faust declared the codicil to be bad, saying, "When I clearly find that it is expressly provided the two witnesses who are present at the same time shall attest and subscribe, can I hold that the one may attest and subscribe on one day and acknowledge his or her signature on a subsequent day? I am inclined to think," he went on to say, "that the act is not complied with, unless both witnesses shall attest and subscribe, after the testator's signature has been made or acknowledged to them, when both are actually present at the same time."

It is laid down, we have seen, that the witnesses must sign in the presence of the testator. This requirement the law will allow to have been satisfied if the testator *might* have seen the witnesses at the time of their attesting his will. A gentleman, for instance, having signed his will in his bedroom, the witnesses withdrew into a gallery, between which and the bedroom there was a glass door. As the testator might have seen them sign if he had wished, this attestation was held to be good. So in the case of a person ill in bed, the fact of the curtains being closely drawn need not prevent the witnesses signing in the room. They will, in the estimation of the law, be still in the presence of the testator.

But, although the witnesses must sign in the presence of the testator, they need not do so in the presence of each other. There is no absolute necessity—that is—for this; although we recommend Mr. Blank, when his will comes to be executed, to insist upon an exact performance of the usual ceremony. In a reported case, from which we infer that this form of attestation is not absolutely necessary, a will was executed, in the presence of two witnesses. After the execution by the testator, one of the witnesses left the room, and the other subscribed his name, in the presence of the testator but in the absence of his fellow witness. On the return of the latter, he also signed, in the presence of the testator and of the former witness. Sir John Dodson held the will to be good.

Never let our friend Mr. Blank, in any moment of irritation, alter his will. If this have to be done at all, let it be done in accordance with the requirements of the statute, in that case made and provided. Let the witnesses and Mr. Blank attest the alterations, erasures, or interlineations, as the case may be: or at the least signify by some note or observation that such changes have been made. Neither let him allow any person interested in the will, to act as a witness. Neither let him suppose that the will which he may have made before his marriage with Mrs. Blank, will stand him in good stead afterwards.

In one word, let Mr. Blank make his will "without controversy;" and, having bequeathed a handsome legacy to us for our weekly instal-

ments of very common law, now brought to a termination, we will see to it that the lawyers shall not be his heirs.

VILLAGE ROSES AND THORNS.

THE village of Auray-le-Clocher was situated on the side of a hill, basking in sunshine. At the back, up to the summit, and rolling down the other slope, and up and down again for miles and miles of hill and valley, spread vast woods, which kept from Auray all bitter winds; while below it, the ground ran down gently to a broad and fertile vale, watered by a little river; here showing itself in glittering silver, there marking its course by rows of poplars and willows, and by mills, with a few cottages clustered about them. At the entrance of the single, rough-paved village street, guiltless of trottoirs, and with a gutter in the middle, stood the church, and enclosed with it, the presbytere and its ample garden.

A contempt of economy of space and of any approach to regularity, seemed to be the ruling principles of the architect of the house in question. Inhabited only by the curé, his single maid-servant, and a little boy, of nine or ten years old, the orphan nephew of the latter, there were rooms enough to accommodate a large family, and, as if such unnecessary employment of space were insufficient to suit the large ideas of the builder, these were all placed far apart, and connected by such labyrinthine passages, such ups and downs of little flights of steps, such blind landings and break-neck corridors, that it required an intimate acquaintance with the house to make your way through it at all.

On the ground floor (you entered the premises by the garden, there being no door on the street, which there was bounded by the side-wall of the house and the wall of the garden) a large kitchen and wash-house, a sort of store-room, and a particularly gloomy stone-floored sitting-room, almost entirely bare of furniture, opened, with window-doors on the paved space that lay in front of the house, and divided it from the garden. Above was the salon, habitually occupied by the curé: a large, cheerful, though low, room, walled with panels once white, and bearing some rude carvings here and there, especially over the lofty mantelpiece, also carved. The floor, of octagonal red tiles, was covered in the middle with a small square carpet, worn and faded; on the panelling hung gaudy-coloured prints, with here and there a tolerable old engraving or bad lithograph, all more or less touched with mildew, and representing saints and innumerable Virgins—"Our Ladies," of so many localities—and in each invested with such different functions and attributes, that how to reconcile these ubiquitous diversities with a sole and singular individuality I have always found a paradox quite beyond my skill. A crazy book-shelf, containing some old theological books, was suspended opposite the wide fireplace; a small organ, on which the curé was wont to

practise chants, stood in a recess, beside a pleasant window hung round with climbing roses, and commanding, through the trees of the garden, peeps of the valley beyond. A round table of dark wood, somewhat rickety on its four slender legs, occupied the centre of the room; a second, more solid, which was drawn forward when the curé took his simple repasts, stood in front of the window at the end of the room looking towards the church; and an old mahogany Empire arm-chair, with squab cushion, and half a dozen smaller rush-bottomed chairs and a corner cupboard, completed the furniture of the room. It was entered by an outer staircase, leading down to the garden, which now basked in June sunshine.

In front of the house a few orange and pomegranate trees stood in cases, once painted green, but now with the colour peeling off, and in but sorry condition. Beyond, came the garden—squares of vegetables, bordered with flowers; then a tonnelle, or trellised arbour, clothed with vine, the delicious chasselas, or sweet-water grape, commonly grown in French gardens; and still further down the slope of the hill, a little nook, closely sheltered with some fine chesnut, poplar, and locust trees, and watered by a tiny stream, that found its way into the enclosure by one little opening at the bottom of the palings, and out by a similar gap at the opposite side. To the left lay a poultry-yard, with pigeon-house above and rabbit-hutches below the hens' dormitory; at the same side, a screen of poplars only divided the curé's territory from the back of the church, where stood the little postern that admitted him at all times within the sacred walls.

Up and down, in the shade, beside the gurgling brook, the curé paced, reading in his breviary one of the portions allotted for daily perusal. He was an old man, but tall, upright, hale, and hearty, and his firm equal step betokened none of the infirmities of age. A tranquil, temperate, simple life had maintained in prolonged vigour a naturally strong frame and constitution; and a frank, kindly, though not very intellectual countenance, fresh-coloured, and but little lined, seemed indicative of that most enviable temperament that "takes the goods the gods provide" with cheerful thankfulness, and that troubles itself but little without serious and real cause for so doing.

His reading finished, the curé looked at his watch, and found dinner-time drew near; so he turned his steps, nowise reluctantly, towards the house, pausing here and there in his progress up the sanded alley to pick the blight off some pet rose-trees (he was a great amateur of roses), to disencumber it of fading blossoms, or to gather some particularly beautiful specimen, to stand in a wine-glass on the top of the organ, that he might enjoy its loveliness and perfume while he played.

Clattering about in sabots, on the pavement in front of the house, was little Claude, the nephew of Jeanne, the curé's servant.

"I say, little one," said the good man, "tell

thy aunt to make haste with dinner. I'm as hungry as a wolf; run, or I shall eat thee!"

The child laughed, and clumped into the kitchen with his message, while M. Leroy proceeded up-stairs to his sitting-room, and, to expedite matters, drew the table into its place, and out of the corner cupboard extracted his bottle of *vin ordinaire*: wretched thin stuff: a tumbler, a coarse, plain linen tablecloth, and a napkin to match, rolled within its ivory ring, on which an inscription hospitably wished the user "Good appetite."

While occupied in these arrangements, a back door, leading, through the tortuous ways I have described, to the other rooms, above and below, opened, and Jeanne made her appearance to lay the cloth.

"Par exemple, M. le Curé!" was her exclamation, when she saw how her master was employed; and taking the things from his hands, she began to perform her service. She was a good-looking woman of about four or five and twenty, but, like nearly all French peasants, appeared some years older. Her features were regular, with the exception of a somewhat coarse mouth; her dark eyes were fine, and surmounted by well-marked brows, and her complexion was of a rich warm brown, with a good deal of colour. Altogether, a handsome specimen of her class, but with a taciturn gravity of countenance and demeanour somewhat unusual to it.

The curé sat down in his arm-chair, with a book, while Jeanne brushed round the table and about the room. It was evident his reading occupied little of his attention; for, whenever he could direct it unobserved to the servant he did so, and finally, when she left the room, he flung down the volume, murmuring, with an expression of profound concern,

"The poor girl! the unhappy!" and remaining absorbed in evidently painful reflections till the sound of her by no means light step on the stairs aroused him.

But it must have been no common grief that could materially affect the curé's appetite, and when Jeanne had produced, in one course, the whole of the dinner, consisting of the usual soup and bouilli, a salad, a dish of potatoes cooked in butter, and a dish of the light-red pine-apple strawberries, of which whole fields are grown wherever the vicinity of a town of any size affords a market for them, M. Leroy fell-to with hearty good will and made very short work of the repast. Then he sat down in the arm-chair, and quietly composed himself to his post-prandial nap, while the roses nodded outside the window at him, and a blackbird, from the grove below, sang thanks to him for the ruddy cherries to which he and his young family were made welcome.

Jeanne's and Claude's dinner followed that of the master, and the meal concluded, the former filled a little basket with eggs, and gave it to the boy.

"Go, my child," she said, "with this to Madame Morel; say Monsieur le Curé sends

them with many compliments. Then go on to the Croix-Blanche, and ask, from Monsieur le Curé, how Madame Ledoux and her daughter are, and, coming back, you may call at Uncle Jacques's, and say to Pierrette I wish she would come down the first day this week she can get out. Go, and don't break the eggs, and bring back the basket. Mind."

Jeanne watched at the door till the boy had passed through and latched the garden-gate. Then she returned to the kitchen, took a large key down from a nail where it hung beside the projecting chimney, and once more looking out and all round, she re-entered and proceeded through the long dark tortuous passages to the room that formed the last of the straggling series, unlocked the door, and entered.

It was a small gloomy lumber room. In one corner the long-collected dust had been swept from the floor, where was spread some fresh straw, and on it, rolled up, a mattress and some bedding. After listening intently for a minute, Jeanne, satisfied by the silence, pulled down a broken-legged chair and a ragged rug that were placed on the top of a box in the obscurest part of the room, and, from within it, drew a bundle tied up in an old coloured handkerchief. Opening this carefully, several articles of baby's clothing, some complete, some in progress, all of the commonest description, but carefully made and clean, were disclosed, and Jeanne, taking working materials from her pocket, began stitching away at an unfinished frock with feverish rapidity, still pausing now and then, with that look of intense anxiety, to listen.

For more than an hour she worked undisturbed; then, as if fearing to remain longer away from her usual employments, she, putting into her pocket a half-finished cap, which might be worked at in any stray moments, tied up the bundle, restored it to the box, and again covered the latter with the rug and chair, as before. Then carefully locking the door behind her, she returned to the kitchen.

She did so just in time; for, while she was putting together the brands that, during her absence, had burnt through in the middle, and, falling outwards, become scattered and nearly extinguished, an old crone, half-beggar, half-peasant, and commonly reported witch, tottered into the kitchen. Standing just within the threshold, her knotted claw-like hands crossed on the top of her staff, she gave Jeanne a bon jour, and there remained, contemplating the girl, with a grin intolerable to be borne.

"Sit down, Mère Gausset," Jeanne said, crossing herself in secret, as she turned to place a chair for the unwelcome guest. "Sit down; the warm weather's come at last; that ought to agree with your rheumatism."

"Eh, eh, well enough, well enough. How is Monsieur le Curé?—and yourself?" suddenly, and with a scrutinising look.

"Monsieur's well; and I, I'm always well."

"So much the better, so much the better, my girl; ready to dance at the wedding on Thursday? Ah, it'll be a fine wedding."

So deadly a whiteness overspread the girl's face, that she turned from the hag to conceal it, as she replied,
 "So I hear."

"Well, you'll see it, no doubt, that'll be better. Eugène Landry and you were great friends, last year, I remember; everybody said you were going to be married. But, alas! when a girl's got nothing, lovers are shy, and they say *Mélie Prunier* has not only a good dowry, but will have all old *Louis Prunier's* savings. Oh, it's a fine marriage for Eugène."

"A fine marriage," Jeanne repeated mechanically. Happily, at that moment, the curé's voice calling her, released her for the instant from her torture, and when she had performed the service for which she had been summoned, she lingered about up-stairs till the old woman, tired of waiting, took her departure.

At night, Jeanne went, solitary and sad, to her bed: in the morning, when she went about her work, she left an infant sleeping in it. What she had gone through that night, none but God and her own poor heart could tell.

"Jeanne! how dreadfully ill you look, my girl!" the curé said, as he entered the kitchen.

"What is the matter?"

"I am not very well," she replied. "I was ill in the night, and had bad dreams; but I am much better now, monsieur; it's nothing—it will all pass away."

M. Leroy paused, hesitated, sighed; he would fain have sought her confidence, fain have reassured him as to the suspicions that, never occurring to himself, had lately been suggested by village gossip. But Jeanne went to and fro, bestirring herself in a way to make any such opportunity difficult, and with a slow step and anxious mind, the curé went out to tend his roses.

Through the next three and four days the subject still haunted him, but by degrees less painfully and at longer intervals. Jeanne seemed getting well again, and was, he fancied, less preoccupied, less oppressed with some hidden care than, despite all her efforts to conceal the fact, she had lately been. He had had some knowledge of Eugène Landry's former attachment to her, and he now began to think that it was Eugène's faithlessness alone that had so weighed upon her mind.

On the sixth day from the wedding Jeanne came to him with a troubled face. Her mother was alarmingly ill; she had had a letter from a neighbour, entreating that, if the curé could spare her, she would lose no time in coming to her. M. Leroy scanned the face before him—a face whose colour went and came, and whose set mouth and desperately beseeching eyes told all that hung on his reply. He could not keep her in that agony of suspense, he could not, by the hint, even, of a perhaps unmerited suspicion, further torture her; so he consented.

It was a distance of nearly five leagues to Montrouge, the village where Jeanne's mother resided, and there being only chance communications between it and Auray-le-Clocher, she

had no means of getting there except on foot. She was yet far from strong, and the weather was hot; but, on the mission on which she was going, solitude was wholly indispensable, and this she could only secure by walking.

She had arranged with her cousin Pierrette to take her place in the curé's household during her absence; and now all things were prepared for her departure, which was to take place before even the early June dawn, that she might get beyond the risk of recognition while Auray and its neighbourhood was yet buried in sleep.

Strange, terrible, and yet crossed with gleams of stormy sunshine, had been the experience of those last few days to Jeanne. Happily her child was a healthy and a quiet one, and passed most of the hours of its first days in sleep. Still what agonies of vigilance lest its occasional cries should be heard, lest the frequency of her visits to its hiding-place should be noticed, lest Claude should, at any time, track her there unawares! Yet, with all this, the passionate love she had for the infant; the ecstasies of maternal pride and tenderness that not all the shame, and terror, and suffering of her situation could smother, gave her moments she would have purchased at almost any price; and though the child's removal would put an end to this perpetual state of anxious terror, she yet dreaded the separation almost as much as she desired the relief.

She had not confided her secret to any one; though she had been forced tacitly to admit the truth to her cousin Pierrette, who suspected it, but who, after a few leading questions, had, in pity, forborne to inquire further, and who did not come to take her place till some hours after her departure.

Before daylight, Jeanne, with her precious burden sleeping in her arms, and a basket containing the child's clothes and some little provision for the journey, stole out of the presbytere, and through the garden wicket, into the sleeping village, whose length she had to traverse before gaining the road to Montrouge.

The moon had set, and though some stars still twinkled, the night was densely dark. Trembling, listening, seeking to penetrate the obscurity, she paused an instant before the church to assure herself she was unobserved, ere she fairly started on her way. At first all was dead silence; then she fancied she heard—fancied she saw—something, that had been crouching by the white wall of the garden, near the gate, stir and rise slowly. Like a deer that suddenly scents its pursuers, she turned and fled, finding her way through the dark street and over the rough sharp stones rather by instinct than sight, stopping not till the rapidity of her course had so exhausted her breath that she was forced to pause to regain it.

By this time she was well out in the open country, and the dim line of the white road just sufficiently visible to her eyes, accustomed to the darkness, to secure her against the danger of losing her way. Then she began to feel a little reassured, and to try to reason away her

late panic: it might have been fancy altogether, the effect of an over-tired brain; or, as the impression had been so strong that she could not quite overcome it by any attempts to refuse the evidence of her senses, she persuaded herself that what she could not deny she had seen and heard was a dog, goat, or other animal, that her footsteps had disturbed. So probable, indeed, did this solution appear, that, her reason having nothing to suggest to contradict it, she was fain to reassure herself with such explanation, and, turning her thoughts as well as steps forward, she began once more to rehearse the dreaded scene of confession to her mother, who was utterly ignorant of the events that were so suddenly to be brought before her, and whose alleged illness had been, of course, merely a pretext to make this escape.

By the time that the June morning was in its wakening flush, Jeanne had got so far on her way, without immediately encountering any one, that she now began to feel there was comparatively little risk of detection. Still, she said to herself, she must yet push on, and not think of wasting a moment of the so precious morning hours. But, ere she had got much further on her way, she began to feel that she was not in a condition to travel either very fast or very far, and she reflected that it would be better to husband her strength before fatigue overcame it, than to put it all forth at once, and perhaps unfit herself for the completion of her journey.

There was, she knew, not much further on, a little wood, and she now resolved that there should end her first stage. She could find shelter, rest, and concealment among the trees, without going far from the road, and this repose, with some food, would, she hoped, quite recruit her to continue her journey by two or three easy stages, if she found she could not make the rest of it in one. So she walked on bravely, keeping a look-out for the little wood.

Suddenly a turn of the road brought her on a party of men, women, and children, half gipsies, half strollers, seated in a green spot by the highway, round their fire. One or two of them looked at her as she passed, but took no further notice, and she continued her way till some hundred yards further on, she perceived, sitting at the foot of a tree, a woman whose general appearance seemed to mark her as one of the party she had just left behind, but whose attitude of grief, her body crouched together, her head bowed down on her hands, might sufficiently account for her thus isolating herself from the rest.

Hearing a footstep, she looked up, and showed a dark face, still young, but marked with an expression of despair so intense, so hopeless, and at the same time, so sullen, that Jeanne's quiet sense of compassion for her was tinged with a touch of fear, and she instinctively shrank from the long, fixed gaze with which the woman followed her. After she had passed, she looked back, and perceiving she was still the object of the same uncomfortable scrutiny, a thousand vague anxieties assailed her.

She tried to recal the face, to remember

where and how she could ever have seen it before; but her memory entirely failed to bring before her any previous association with it, and fancying that the woman must have been deceived by some mistaken identity, she tried to dismiss the subject from her mind. Shortly after, coming within sight of the wood where she proposed to rest, the sense of approaching relief turned her thoughts into another channel.

Turning from the road, she soon found a spot that seemed perfectly suited to her purpose: a couch of thick moss, hidden from the highway, not alone by the intervening trees, but by a bank, overshadowed by a great gnarled and hollow oak, and further cooled and freshened by the flow of a little brook. Here she sat down, bating her hot and dusty face and hands, and having eaten some of the food she had brought with her, and nursed her child, she settled herself for repose. With the murmur of the brook and the faint regular respiration of her infant in her ears, the soft green light, with here and there a little spot of blue heaven, or a white sailing cloud passing before her upturned face, in her eyes, the sense of all outward things became confounded, and she fell into the first really profound and dreamless sleep she had known for many weeks.

Then there came, stealing along with cat-like footfall and suspended breath, parting, with strong but cautious hand, the flexile branches, stopping by moments to look and listen, then creeping on again, the woman with the terrible face; far more terrible now from the feline intensity of greedy purpose stamped in every line of it. A few more long, lithe, crawling steps brought her beside the mother and child.

Noiselessly she stooped over them, pausing and gazing, never for an instant relenting in her purpose, but studying the best means to execute it. The child lay clasped in the fold of the mother's arm, and now to withdraw it without disturbing her was at once the woman's desire and difficulty. Plucking a stem of feather-grass, she, with its fringed tip, touched the back of Jeanne's hand, ready to drop and crouch behind her, so that should the sleeper be so far disturbed as to open her eyes, her tormentor might not be visible. But, as the latter guessed, her sleep was too profound for this, and she merely twitched her hand, and then, on a repetition of the application, threw out the arm on the ground beside her, leaving the infant exposed.

In a second it was in the dark woman's grasp, and she was up and away, one arm clasping it close to her breast, the other hand ready to lay on its mouth and still its cries, if it should attempt to utter any; but it only started and murmured in its sleep, and was quiet again.

The woman sped on without pausing an instant till she came to a spot in the wood, removed a considerable distance from where Jeanne lay, but still only on the border, her course having been nearly parallel to the high road, though not visible from it. Here she paused, and kneeling by a little spot where the ground had been newly disturbed, though a

rareful covering of moss and dead leaves almost concealed the part, she bent, and, kissing the sod, murmured:

"Adieu, little angel; le bon Dieu has given me one to replace thee!" Then, rising, she once more sped onward, and was soon out of sight.

It was past mid-day when Jeanne awoke, with a terrible dream of the dark woman.

She knew, the instant she found her child gone, what had become of it; but that was small guide, nor greater comfort. Wild and desperate, all thought but that of recovering the baby left her; she cared not who might recognise her, who might know her disgrace; could proclaiming it in the streets of Auray have brought back what she had lost, willingly would she have paid such a price for its restoration. But what to do now? how to trace the woman? In the horrible shock and confusion of her senses, no definite plan at first presented itself; but when, by a violent and determined effort, she collected them, she saw the only chance for her was to retrace her steps to where the strollers had been assembled, and endeavour from them to obtain some clue.

Turning backward, then, she rapidly traversed the ground she had so wearily trodden some hours before. A wayfarer, plodding through the dust, paused to look after the distracted woman, and a little boy herding goats by the wayside crossed himself with mingled fear and pity.

She came at last to the spot she sought; but it was vacant. The brands yet smouldered on the burnt turf, scraps of rags, and dirty paper, and straw littered the ground, the grass still lay crushed and trampled by the dusty feet. But the wanderers were gone, and Jeanne recollected with a feeling of agony that a little further on, three roads branched off in different directions, and that unless she could fall on some accidental trace of their course the chances were two to one against her taking the right one. She traced the way back to where the roads separated. The probabilities seemed altogether in favour of their keeping the main road, which led to Auray. In her despair she had just decided on retracing her steps even thither, when the figure of a man in the distance, coming from that direction, raised a gleam of hope. Hastily joining him, she asked him if he had met the party she described. The man stared at her, took off his hat, deliberately wiped his face with the dirty coloured handkerchief it contained, restored the handkerchief to the hat and the hat to the head, and then replied in the negative.

"Where had he come from? From far? From beyond Auray-le-Clocher?"

He nodded.

"Then he must have seen them if they had passed?"

"Probably."

"But there were so many of them, and they looked so different to ordinary travellers; and they had a van, with a white horse! He *could* not be mistaken if he had seen them at all!"

The man shrugged his shoulders. "Savoir! he had rested by the way, he might have slept, they might have passed him while he was asleep."

Jeanne could get nothing more out of him, but still, maddening as was his stolidity, she was disposed to gather from his replies that the chances were against the travellers having taken that route. She resolved to let chance guide her steps, and therefore, with an instinctive shrinking from the glare of the sun, chose the more shady.

On, and on, and on, till her feet were blistered, and her knees trembled, and her head throbbed. On and on till sunset. On and on till nightfall. No trace, no sign, no hope. Then she lay down under a bank by the wayside, and felt so utterly broken that she longed for death. But she was too young and too strong for death to make so easy a prey, and sheer exhaustion plunged her into a sleep that lasted till the chill of the coming dawn roused her, stiff and sore, covered with dust, damp with dew, but having no thought beyond that of continuing her search.

Thus for two days and two nights more she wandered, and wandered in vain. Then, with what little power of mind was still left her, she decided to return to Auray, and rather with the instinct that directs a dog on his homeward way than by any more reasoned process, she traced her route back to the presbytere by the evening of the fourth day.

In vain Pierrette questioned her; in vain Claude crept to her side and timidly looked up in her haggard face. She had no answer to give, but shook her head and rocked herself in her chair, or stared blankly into the fire. The curé had gone for a game of billiards to the Mairie, and Pierrette could only get her to go passively to bed—all attempts to induce her to touch food were vain—and sit by her till, to get rid of the well-intentioned cares of her cousin, Jeanne turned her face to the wall, and pretended to sleep.

Some weeks went by, and Jeanne had fallen into her usual course of duties; but quite mechanically, and as one to whom nothing in life could give a moment of interest or excitement. Her state of mind was a sort of dull, lifeless fatalism, that accepted all things as parts of a crushing, relentless destiny, which she could neither comprehend nor resist, and which she could only bow under so long as her strength lasted. But it was fated that she should be roused from this condition, and in a startling manner.

She was arrested on a charge of infanticide.

At the trial the chain of evidence was painfully conclusive. Her attachment to Eugène Landry had been known, and her condition had, for many weeks back, been more than suspected in the village.

The widow Gausset was the principal witness against her. This woman happened to be about the house more than once at night during the ensuing week; she had heard distinctly, in the darkness and in the silence, the cries of a newborn infant proceeding from the house; she

happened again, by another of the same strange chances, to be in the street, near the presbytère, not long after midnight on the sixth night after the wedding; she had been surprised and startled by hearing some one come out of the curé's garden; she had watched to see who it might be, and, though the night was dark, she had been able to distinguish a woman, carrying something in her arms, who fled on seeing her. The widow Gausset, much surprised at this circumstance, had gone the next day to the presbytère to relate what she had witnessed, deeming it a duty so to do. She had found Jeanne gone, to see her dying mother, as she was told. She had not much believed the story, but she had thought the affair was no business of hers; she did not wish to compromise the girl, so she had said no more about the matter at the time.

But since then she had reflected a good deal on the matter, and several circumstances (the last and most important of which had caused her to feel the necessity of revealing all she herself knew on the subject) had, strangely enough, been brought before her. In her wanderings—for she gained a living by going about to the neighbouring farms and villages, subsisting on the charity of all good souls, or by effecting cures on cattle that were sick, or affected by the evil eye, or other charms—she had visited Jeanne's mother, and, on speaking to her of her illness and of her daughter's visit, had been amazed to learn that the old woman had never been ill, and had never seen her daughter. Finding this, her suspicions had been so much excited that she—always as a matter of duty—had made every inquiry in the neighbourhood and on the road between Montrouge and Aury, and had learned that several persons had seen a young woman whose description precisely answered Jeanne's appearance. For instance, a wayfaring man, who had found a job of work at Montrouge, which had kept him there for some time, and a little goatherd, especially, had seen her come out of a wood by the roadside, in such an agitated condition that they had fancied her mad. These persons being called, their evidence wholly corroborated the Mère Gausset's testimony. Lastly, came the circumstance which, as the old widow declared, had made her feel it was imperative on her to bring to light all she had learned respecting the affair:

Returning from Montrouge, she was accompanied by a dog that she had cured of the distemper, and that she was taking back to his owner at Aury. Arrived at the wood described by the last witnesses, the dog had run in among the trees, and being unable to bring him back by calling, and fearing to lose him, she had followed to a certain spot, where she found him tearing up the ground with his paws. Finding all efforts to get him away impossible, she had, in some curiosity, further excited by the fact that the ground had evidently been lately disturbed, waited to ascertain what might be the object of his search, and shortly, to her horror and amazement, she saw revealed the body of an infant.

Here the mayor of Aury deposed to the old wo-

man's having made known to him her discovery; of his having, accompanied by her and the other witnesses, gone to the spot and found the body (she had covered it up loosely again, and, by tying a handkerchief round the dog's neck, had dragged him away from it by force); and of his having confided it for examination to Dr. Lenormand, whose testimony followed.

The doctor declared that, in consequence of the state of decomposition in which the body was found, it was impossible to say exactly how old the infant might have been—but probably a week or ten days, possibly a fortnight. There were no marks of external violence on it, but, as far as he could judge, from its existing condition, there was reason to suspect that it might have been smothered. He had seen one or two cases of infants that had been overlain, where the respiratory organs had presented appearances to which those in the case in question seemed to bear a strong analogy.

Pierrette, the curé, last of all Jeanne's mother, were called in to bear evidence, and what they had to say could in no degree invalidate the testimony of the previous witnesses.

So Jeanne Decaisne was declared guilty of child-murder, with the plea, usual in France, where the life of the culprit is at stake (except in cases of the most exaggerated atrocity), of extenuating circumstances. She was sentenced to the travaux forcés for life.

Jeanne was carried from the court in a state of insensibility. Next morning, when, at dawn, the gaoler entered her cell, he found her crouched in a heap in the remotest corner. He spoke to her, but when, obtaining no answer, he laid his hand on her shoulder, she sprang at him, demanding her child; and such was her violence, that it required three men to hold her down and bind her. From this state, which lasted, with little intermission, for some weeks, she gradually fell into one of dull, apathetic imbecility, and, in that condition, as she was generally harmless, though occasionally, and at long intervals, subject to fits of passion, her mother was permitted to take her to her own home, where she remained till the period of the old woman's death, which occurred some twelve or thirteen years later. Then Claude, who, thanks to his own steadiness and intelligence, and to the curé's protection, had got an excellent place as gardener at the neighbouring Château de Plancy, took on himself the charge of the afflicted woman.

Sixteen years had slipped away, bringing their changes to Aury-le-Clocher.

The curé, though an aged, was still a hale and hearty man, and went about his duties with little diminished activity. His eye and his hand at billiards were not what they used to be, but, on the other hand, his skill in the cultivation of his roses had so much increased, that one of them gained the prize at the horticultural show of the chief town of the department, and became known all over France as the Beauty of Aury. The Mère Gausset, whose reputation of witchcraft, with the dread and dislike that belonged to it, had become yet more general since Jeanne's

conviction, had grown paralytic and half-crazed, and not even the strongest-minded of the inhabitants of the village could pass by where the hag would lie crouching in some sunny corner, a hideous spectacle, mumbling and mowing, or at intervals bursting into impotent shrieking rages at some fancied affront, without shuddering and crossing themselves.

Great preparations were made, as usual, for the fête of Auray. The altar of Sainte Suzanne, the patroness of the village, was newly decorated, and adorned with fresh flowers, among which shone conspicuous some of the curé's best roses, and various specimens of young Claude's skill in horticulture. Next came the procession, with all its attendant pomps of music (so called), banners, and priestly vestments, rich with silk, gold, and embroidery; and then the fair, where, in booths, were collected enough bad gingerbread to sicken the youth of both sexes of Auray for the next ten days. Beside these were ornaments of glass and china, dolls, toys, baskets, brooms, mats, watering-pots, farm, garden, and household implements of every description; and as to melons, large, pale yellow, smooth-coated fruits, closely related to pumpkins, it seemed as if all the land about Auray must have been exclusively devoted to their culture. You saw them piled in heaps, you saw them separately, you saw them whole, you saw them divided; the air was redolent of melons, the ground was encumbered with melon-rinds; women carried them under their arms, men cut them up with the clasp-knife that answers to every mechanical need of the French peasant, and children gnawed every eatable particle from the rinds. Then there were swings and merry-go-rounds, with wooden horses, and boards for a game distantly related to bagatelle, and there was shooting at a plaster figure with the arbalète or cross-bow, and there were a few shows of a humble character.

But the great attraction was reserved for the evening, when, in an interval of the dancing, some wonderful performances, chiefly of a dramatic character, though the acrobatic, pyrotechnic, and prestidigitatory elements of entertainment were not wanting, were to take place, executed by a strolling company.

The public, on the payment of one sou for those who were content to stand, of three for such as desired the luxury of seats, were admitted into a temporary enclosure formed of mats, canvas, and old tarpaulins stretched on posts planted in the sward, and the entertainment commenced by a short, wiry individual, with a swarthy face, keen black eyes, and fabulous head of frizzly black hair, performing a frenzied dance, blindfold, in a space of about two square yards, where were laid six eggs, without breaking one of them. This feat completed, amid the applause of the spectators, the gentleman, tearing the bandage from his eyes,

made a sweeping bow to the company, and retreated with a short backward run behind the canvas screen, which formed the green-room.

In a few seconds issued from the same retreat a dark hard-featured woman, looking considerably past forty, though she had probably hardly reached that age, accompanied by a slight girl of from fifteen to seventeen, who, though thin and worn-looking, had some beauty in a pair of large soft blue eyes, and a profusion of rich waved brown hair.

Having sung one or two songs, to the woman's accompaniment on a cracked guitar, the girl, taking from her hand a tambourine, began to dance to the same music, and the spectators were in the height of their enjoyment, when there came a movement from behind, attended with a cry that sent a shudder through the assembly, and Jeanne, clearing the way before her, as the course of some furious animal divides the densest crowd, plunged forward, and seizing the left hand of the dancer, turned upwards the under side of the wrist. There, traversed by blue veins, and agitated by the throbbing of the pulse, was a rose-coloured mark, in size and shape not unlike a rose-leaf.

"My child!" the poor soul shrieked, and clasped the dancer in an embrace in which seemed to be concentrated all the love so long cheated of its object; but the girl shrank from her in terror, and it was to the dark woman that she appealed with cries of "Mother!" for protection. Then came a struggle, a whirl, a heavy fall, the crash and smell and smoke of extinguished lights, a confusion from which the girl with difficulty extricated herself, and when the terrified bystanders at last succeeded in separating the women, the gipsy's lifeless head dropped forward—she was dead.

Jeanne lingered two days between life and death, between reason and insanity. At the last she recovered sufficiently to establish beyond doubt the identity of the little dancer with her stolen child. Assisted in her last moments by the curé, and attended by Claude and Rose, her daughter, she passed out of her troubled life quietly and in peace.

Claude took Rose to his own home, and married her as soon as it was possible to get through the brief preliminaries necessary. They lived, and died, and were buried peacefully at Auray, where, as has been said, many of their descendants are still settled, and where this chain of circumstances is still preserved.

The Twelfth Journey of

THE UNCOMMERCIAL TRAVELLER,

A SERIES OF OCCASIONAL JOURNEYS,

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Will appear in No. 65.